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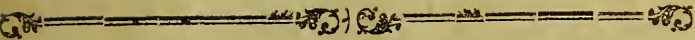




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R E P O R T

OF THE

COMMITTEE

OF

*Revisal and Unfinished Business,*

ON

BILLS, AND REPORTS,  
DEPENDING AND UNDETERMINED UPON

AT THE

LAST SESSION OF CONGRESS.

---

10th December, 1799.

Ordered to lie on the table.

[*Published by order of the House of Representatives*]



ADAMS 260.6

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# R E P O R T.

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The COMMITTEE of REVISAL and UNFINISHED  
BUSINESS.  
REPORT,

THAT they have, according to order examined the Journal of the last session, and find that the following Bills, and Reports, were then depending and undetermined, *to wit*:

Bills which originated in the House of  
Representatives.

*For the Relief of Thomas Arnold.*

21st February, 1799, read the first and second time, and committed to a committee of the whole House to-morrow—Not further acted on.

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*Athorizing a detachment from the Militia of the United States.*

3d March, 1799, further consideration postponed by the Senate until next session.

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*To alter and discontinue several post roads, and to establish others.*

28th February, 1799, Committee of the whole House refused leave to sit again—Not further acted on.

## Bills from the Senate.

*To amend the act entitled "an act providing for the sale of the lands of the United States, in the territory north west of the river Ohio, and above the mouth of Kentucky river"*

18th February, 1799, further consideration postponed by the House until next session.

*To reform the superior court of the territory of the United States, north-west of the river Ohio.*

2d March, 1799, amendments disagreed to by the Senate, and further consideration postponed by the House until the next session of Congress.

*Concerning the territory west of Pennsylvania, commonly called the western reserve of Connecticut.*

26th February, 1799, further consideration postponed by the House until next session.

## Reports of the Committee of Claims.

*On the petition of Moses White.*

4th February, 1799, committed to a committee of the whole House to-morrow—Not further acted on.

*On the petition of Andrew Thompson.*

7th February, 1799, ordered to lie on the table.

*On the petition of John Tyler, executor of William G. Mumford.*

13th February, 1799, consideration postponed until Wednesday next—Not further acted on.

*On the petition of John Vaughan.*

21st February, 1799, committed to a committee of the whole House to-morrow—Not further acted on.



*On the petition of N. S. Fournier.*

28th February, 1799, ordered to lie on the table.

*On the several petitions of James Campbell, Abraham Stout, Samuel Trigg, and Jonathan M'Natt.*

2d March, 1799, ordered to lie on the table.

*On petitions of Anthony Foster, William Clay Snipes, Maurice Beeseley, Jacob Barnitz, William Boyce, Abraham Watson, and J. B. Verdier.*

2d March, 1799, committee discharged and consideration postponed until next session.

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## Reports of the Committee of Commerce and Manufactures.

*On the petitions of Charles White, David Gilson, sundry Merchants of the town of Salem, and of Samuel M'Gaughey.*

2d March, 1799.—Committee discharged and further consideration, postponed until next session of Congress.

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## Reports of Select Committees.

*On memorials of Lewis Garanger, in behalf of himself and Charles Garanger.*

28th February 1799, Ordered to lie on the table.

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## Report of the Secretary of State.

*On the claim of John Brown Cutting.*

27th February 1799, Ordered to lie on the table.

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## Report of the Secretary of the Treasury.

*On the petition of Dwight, Hooker, and Dwight, Charles Jencks, and company, and Levi Wells, and company.*

28th February 1799, Referred to the Committee

of Ways and Means, with instruction to report thereon by Bill, or otherwise—not further acted on.

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### Report of the Secretary at War.

*On the Petition of George Faragut.*

25th February, 1799, Ordered to lie on the table.

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### Report of the Postmaster-General.

*On the petition of Ezekiel Williams.*

8th January 1799, Referred to the Committee appointed to enquire what alterations are necessary in the law, establishing the Post-Office and post-roads within the United States.

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### Report of the Committee of Ways and Means.

*On the petition of sundry distillers and others inhabitants of the counties of Rockingham and Augusta in the state of Virginia.*


28th January 1799, Committed to a Committee of the whole House on Thursday next—Not further called on.

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Your Committee further report their opinion that all petitions which were depending and undecided at the last session of Congress, ought to be taken up and acted upon by the House, as the same may be called for by any member, or upon the application of the individual claimant or petitioner.







R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 7th instant,

THE

P E T I T I O N

OF

JOHN VAUGHAN,

OF THE

*CITY OF PHILADELPHIA,*

MERCHANT.

---

Committed to a Committee of the whole House,  
to-morrow.

21st February, 1799,

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17th December, 1799,

Committed to a Committee of the whole House,  
to-morrow.

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[*Published by order of the House of Representatives*]

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# R E P O R T.

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*The COMMITTEE of CLAIMS, to whom was referred  
the petition of John Vaughan.*

## REPORT—

**T**HAT this subject was under consideration at the last session of the present Congress, and a bill passed the House for the relief of the petitioner—but the Senate either disagreed to, or postponed the bill.

The Committee ask leave to refer to their former report, and to state, that on a revision of the subject, pursuant to the reference at the present session, they are of opinion, the petitioner ought to be relieved, and therefore submit, for the consideration of the House, a resolution of the same tenor with that adopted by the House at their last session, in the words following—*to wit:*

*Resolved,* That the accounting officers of the Treasury allow to John Vaughan, the amount of the difference in his favour, which would result from calculating the bullion by him deposited in the Mint of the United States, for coinage, at the rate of one thousand four hundred and eighty five parts fine, to one hundred and seventy nine parts alloy, instead of the rate of nine parts fine to one part alloy.



As to the other ground on which the petitioner claims, the Committee find, that as stated by the petitioner, the standard, by law affixed for the silver coin, which has not been altered since the first establishment of the Mint, is 1485 parts fine to 179 parts alloy; notwithstanding which, the coinage was commenced and carried on until the time when the present Director came into the management of the business, which was in the month of October, 1795, on an assumed standard of nine parts fine to one part alloy—The legal standard may be defined ten ounces, fourteen penny-weights, five grains of fine silver, to one ounce, five penny-weights, nineteen grains of alloy—the assumed or practical standard of the Mint, until it has been changed, by the present Director, ten ounces, sixteen penny-weights fine, to one ounce and four penny-weights alloy; hence it followed, that the depositor of silver bullion, although he received coin which contained an equal quantity of fine silver with his deposit, did not receive that number of coins, to which, by law, he was intitled, and coins finer than the legal standard being of no more value for circulation than those exactly conforming to that standard, he was of course a loser by the difference—It should seem there could be no question but the depositor of bullion at the Mint, is intitled to receive its value in coins at the standard fixed by law, and that the public must be considered as contracting to this effect—The petitioner has not received the sum in coin which he ought to have received by the amount of the difference caused by the variation of the assumed from the legal standard—the Committee are therefore of opinion, that he is intitled to redress, and recommend to the House to adopt the following resolution:—

*Resolved*, That the accounting officers of the Treasury allow to John Vaughan, the amount of the difference in his favor, which would result from calculating the bullion by him deposited in the Mint of the United States for coinage, at the rate of 10 oz. 14 dwt. 5 gr. fine, to 1 oz. 5 dwt. 19 gr. alloy, instead of 10 oz. 16 dwt. fine, to 1 oz. 4 dwt. alloy.

[Made the 19th of May, 1798.]

The COMMITTEE of CLAIMS, to whom was referred  
the petition of John Vaughan,

REPORT—

THAT the petitioner states, that between the 1st of January and 21st of November, 1795, he deposited in the Mint of the United States, for coinage, a quantity of silver bullion, amounting to 230,888 oz. 10 dwt. of standard silver, as assayed and calculated by the then Assayer of the Mint, at the rate of nine parts fine to one part alloy; and received from the Mint, in coined silver, the same quantity of silver, of the same standard—but that by law, the said silver ought to have been assayed at the rate of 1485 parts fine to 179 parts alloy, and the coin delivered in exchange therefor in the same proportion, as by law established—and that by reason of the superior fineness of the coin to the standard fixed by law, he has sustained a loss of two thousand, two hundred and sixty dollars and thirty-two cents.

He further states, that the bullion which he deposited was of fineness superior to the legal standard of the coins of the United States, which produced a great saving to the United States, by being mixed with bullion inferior to the standard, which had been previously deposited for coinage, and thereby saving the trouble, delay and expense of refining a quantity of bullion which was baser than the standard; That being obliged, however, to wait the coinage of the bullion deposited before his, he suffered great delays, and was long kept out of his money—Whereupon he prays, that he may be allowed interest on the same, after what he supposes a reasonable time for the coinage, until it was paid him.

The Committee conceive, that as the delay which Mr. Vaughan suffered in obtaining his coin took place only in the ordinary course of business, and without any fault of the United States, or of their officers, his claim for interest is wholly unfounded.



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FURTHER  
REPORT  
OF THE  
COMMITTEE

OF  
*Revisal and Unfinished Business,*  
ON  
LAWS WHICH HAVE EXPIRED,  
OR  
ARE NEAR EXPIRING.

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24th December, 1799.  
Ordered to lie on the table.

[*Published by order of the House of Representatives.*]

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# R E P O R T.

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*The Committee of Revision and Unfinished Business,*

## REPORT—

THAT on examining the statutes of the United States, they find, that the acts herein enumerated will expire at the periods hereafter mentioned respectively.

- Vol. 2. p. 15. An act passed on the 16th day of February, 1792, entitled, "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," will expire at the end of the present session of Congress.
- Vol. 3. p. 88. 381. "An act in addition to the act for the punishment of certain crimes against the United States," passed on the 5th day of June, 1794, and continued on the 2d day of March 1797, will expire at the end of the present session of Congress.
- Vol. 4. p. 229. "An act to suspend for a further time the duties upon the manufacture of snuff within the United States, and the drawbacks upon the exportation thereof," passed on the 16th day of July 1798, will expire at the end of the present session.
- Vol. 3. p. 289. "An act declaring the consent of Congress to a certain act of the State of Maryland, and to continue an act declaring the assent of

- Congress to certain acts of the States of Maryland, Georgia, and Rhode Island, and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations," passed on the 12th of May 1796, expires at the end of the present session of Congress.
- Vol. 3. p. 289.
- Vol. 3. p. 403. " An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned" passed on the 3d day of March 1799, expires at the end of the present session of Congress.
- Vol. 4. p. 12. " An act providing a naval armament" passed on the first day of July 1797, expired at the end of the last session of Congress.
- Vol. 4. p. 35. " An act laying an additional duty on Salt imported into the United States, and for other purposes" passed on the 8th day of July 1797, expires at the end of the present session of Congress.
- Vol. 4. p. 56. " An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses" passed on the 23d day of January 1798, expires at the end of the present session of Congress.
- Vol. 4. p. 66. " An act to provide for the widows and orphans of certain deceased officers" passed on the 14th day of March 1798, expires on the 16th day of July 1800.
- Vol. 4. p. 60. " An act providing the means of intercourse between the United States and Foreign Nations" passed on the 19th day of March 1798, expires at the end of the present session of Congress.
- Vol. 4. p. 83. " An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty eighth day of December, one

thousand seven hundred and ninety three, for the appointment of a health-officer", passed on the 27th day of March 1798, expires at the end of the present session of Congress.

- Vol. 4. " An act to continue in force for a limited  
p. 85. time a part of an act, intituled " An act making further provision for securing and collecting the duties on Foreign and Domestic distilled spirits, stills, wines and teas" passed on the 7th day of April 1798, expires at the end of the present session of Congress.
- Vol. 4. " An act for the relief of the refugees from  
p. 86. the British Provinces of Canada and Nova Scotia". All claims within the purview of the said act, which shall not be exhibited as in the said act prescribed, within two years from the 7th day of April 1798, are declared to be forever thereafter barred.
- Vol. 4. " An act prohibiting, for a limited time, the  
p. 4. exportation of arms and ammunition, and for encouraging the importation thereof" passed on the 14th day of June 1797.—
- Vol. 4. The four first sections of this act were con-  
p. 89. tinued by an act passed the 7th day of April 1798, and will expire at the end of the present session of Congress—The fifth section of the said act, except so much thereof as relates to the importation of sulphur and saltpetre, will in like manner expire at the end of the present session of Congress, and so much of the said fifth section as relates to the importation of sulphur and saltpetre will expire at the end of the next session of Congress after the 14th day of June 1800.
- Vol. 4. " An act concerning Aliens" passed the 25th  
p. 143. day of June 1798, will expire on the 25th day of June 1800.

- Vol. 4. p. 148. “ An act to authorise the defence of the merchant vessels of the United States against French depredations” passed on the 25th day of June 1798, expires at the end of the present session of Congress.
- Vol. 4. p. 244. “ An act, further to suspend the commercial intercourse between the United States and France, and the dependencies thereof” passed on the 9th day of February 1799, will expire on the 3d day of March 1800.
- Vol. 4. p. 489. “ An act, giving eventual authority to the President of the United States to augment the army” passed on the 2d day of March 1799.—The powers vested in the President of the United States by the first and second sections of this act, cease at the end of the present session of Congress.
- Vol. 3. p. 322. “ An act, for the relief and protection of American Seamen” passed May 28th 1796.—The three first section of this act were revived and continued, by an act passed March 2d 1799, for the space of one year, when the same will expire.
- Vol. 4. p. 503.



REPORT—

THAT on examining the Statutes of the United States, they find, that the Acts herein further enumerated will expire at the periods hereafter mentioned, respectively :

- Vol. 3. “ An act laying duties on licences for selling  
p. 76. wines, and foreign distilled spirituous li-  
217. quors by retail,” passed June 5, 1794, will  
expire on the 1st day of March, 1801.
- Vol. 3. “ An act laying duties upon snuff and refined  
p. 93. sugar,” passed June 5, 1794, will expire on  
217. on the 1st day March, 1801.
- Vol. 3. “ An act to alter and amend the act, intituled  
p. 195. “ an act lay certain duties upon snuff and  
refined sugar,” passed March 3, 1795, will  
expire on the first day of March, 1801.
- Vol. 3. “ An act laying duties on property sold at  
p. 122. auction,” passed June 9, 1794, will expire  
217. on the 1st day of March, 1801.
- Vol. 3. “ An act laying duties upon carriages for the  
p. 326. conveyance of persons; and repealing  
the former act for that purpose,” passed  
May 28, 1796, will expire on the last day  
of August, 1801.
- Vol. 4. “ An act laying duties on stamped vellum,  
p. 20. parchment, and paper,” passed on the 6th  
day of July, 1797, will expire at the end  
of the session of Congress next, succeeding  
the 6th day of July, 1802.
- Vol. 4. “ An act supplementary to the act, intituled  
p. 62. “ An act regulating foreign coins; and for  
other purposes,” passed February 1, 1798,  
will cease to operate from and after the 1st  
day of January, 1801.

- Vol. 4. p. 202. " An act in addition to the act, intituled " an act for the punishment of certain crimes against the United States," passed July 14, 1798, will expire on the 3d day of March, 1801.
- Vol. 3. p. 358. " An act regulating the grants of land appropriated for military services, and for the society of the United Brethren, for propagating the gospel among the Heathen," passed June 1st, 1796. All lands set apart by the first section of the above mentioned act, which shall remain unlocated on the 1st day of January, 1802, shall be released from the said reservation; and all warrants or claims for lands, on account of military services which shall not before that day be registered and located, shall be forever barred.
- Vol. 4. p. 487. " An act to augment the salaries of the officers therein mentioned," passed March 2, 1799, will expire on the 2d day of March, 1802.
- Vol. 4. p. 527. " An act to regulate trade and intercourse with the Indian Tribes, and to preserve peace on the frontiers," passed on the 3d day of March, 1799, will expire on the 3d day of March, 1802.



R E P O R T

OF THE

C O M M I T T E E

To whom was referred,

SO MUCH OF THE

S P E E C H

OF THE

*PRESIDENT of the UNITED STATES,*

AS RELATES TO A

“ SYSTEM OF NATIONAL DEFENCE,

Commensurate with our Resources

AND THE

SITUATION OF OUR COUNTRY.”

13th January, 1800,  
Ordered to lie on the table.

[*Published by order of the House of Representatives.*]



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# R E P O R T

*The Committee to whom was referred so much of the speech of the President of the United States as relates to "a system of national defence commensurate with our resource sand the situation of our country,"*

## REPORT IN PART—

That in the opinion of the committee no such material change in the state of the foreign relations of the United States has happened, as would justify a relinquishment of any of the means of defence heretofore adopted by Congress, but that the national honor and interest in the present posture of affairs, make it prudent and necessary to continue prepared for the worst event: but while danger still threatens our country, yet circumstances having diminished the probability of an immediate invasion, the attention of the committee has been particularly directed to the state of the military establishment, with a view to reconcile safety with œconomy, to preserve the establishment and retrench the expence. The annexed abstract and letter from the Secretary at War, exhibit the state of the twelve new regiments of infantry according to the latest returns.—As these men have received their bounty and cloathing, and are daily improving in discipline; as they would be useful in any sudden emergency, and the greater part of them may also be usefully employed until wanted for actual service on the fortifications of ports and harbours, it is conceived proper to retain them, but to suspend the recruiting service until the approach of danger shall compel the government to resume it.—This project combines the advantage of an

important reduction of the national expence, with that of having at command a body of officers ready for service upon short notice, and a number of disciplined troops sufficient for the present occasion.

The committee therefore submit the following resolutions:

*Resolved*, That from and after the \_\_\_\_\_ day of \_\_\_\_\_ next, all enlistments under an act entitled "An act to augment the army of the United States, and for other purposes," shall be suspended until the next session of Congress, unless war should break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power shall, in the opinion of the President of the United States, be discovered to exist.

WAR-DEPARTMENT,  
2d January, 1800.

S I R,

I RECEIVED your letter dated yesterday, and have the honor to inform the committee of defence, that I am preparing, and have nearly finished, a report to the President of the United States, on the subject of the military establishment, containing propositions which it is conceived would improve it, and detailing information from the latest documents, as far as they go, that have been transmitted to me, relative to the number of men that have been actually enlisted, in the new regiments.

It will be conceived the report mentioned, is intended to embrace the most material objects that have occurred to me, as promising amelioration to our military system. The President I respectfully presume, will communicate the same to Congress.

The number of men enlisted, at the dates therein specified, as appears from the latest returns to the War-department, in the twelve new regiments of infantry, will be seen by the enclosed statements, which is respectfully submitted.

The other requisitions will require some time to prepare an accurate reply to. They shall claim my attention, and an answer be furnished as soon as possible.

I have the honor to be,

With great respect,

Your obedient humble servant,

JAMES M'HENRY.

*H. G. Otis, Esquire, Chairman of  
the Committee of Defence, of the  
House of Representatives of the  
United States.*

*RETURN of the non-commissioned officers, musicians and privates, enlisted for the twelve regiments, directed to be raised in pursuance of the act of July 16, 1798.*

5th Re- giment, to 12th April.	6th Re- giment, to Dec. 1799.	7th Re- giment, to Nov.	8th Re- giment, to Oct.	9th Re- giment, to Sep.	10th Re- giment, to August.	11th Re- giment, to Oct.	12th Re- giment, to Sep.	13th Re- giment, to Nov.	14th Re- giment, to Nov.	15th Re- giment, to Nov.	16th Re- giment, to Nov.	to- tal
no return.	134.	258.	424.	314.	448.	458.	287.	371.	327.	145.	233	3,599

WAR-DEPARTMENT,  
*January 2d, 1800.*









# P E T I T I O N

OF

## C A T O W E S T,

### AND OTHERS,

IN BEHALF OF THEMSELVES AND THE OTHER  
INHABITANTS OF THE

## MISSISSIPPI TERRITORY.

### WITH THE DOCUMENTS

Accompanying the same.

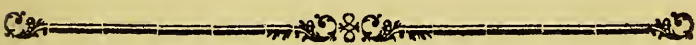


13th January, 1800.


Referred to

- MR. CLAIBORNE,
- MR. GRISWOLD,
- MR. HENDERSON,
- MR. NOTT, and
- MR. BARTLETT.

*[Published by order of the House of Representatives]*







To the honorable the Senate and House of  
Representatives of the United States in  
Congress assembled.

*The undersigned, a Committee regularly chosen by the  
inhabitants of this territory for the purpose of peti-  
tioning for a redress of grievances, have the honor  
respectfully to represent,*

**T**HAT while we are penetrated with the deepest  
reverence for your honorable body, we cannot but  
regret the occasion which has dictated the necessity  
of this address. We rejoice however that we have  
it in our power to appeal to, and lay our just com-  
plaints before that government, whose constitution  
and equitable laws (the evident result of consummate  
wisdom) dispenses to its citizens equal protection and  
ample liberty.

We look forward with pleasure to the period li-  
mited by the wisdom of your laws, when we shall  
participate with the citizens of the elder states in  
the full possession and enjoyment of those precious  
privileges which constitute the sum of rational li-  
berty, and upon which alone, as a solid basis, we  
can hope to secure the good order, peace and hap-  
piness of a free people.

The vast interval which separates this territory  
from the seat of the general government, must have  
produced its natural consequences, viz. a limited  
and imperfect knowledge of the true circumstances  
and

and interests of this country; arising from inaccurate and partial statements; and in some instances the government has been imposed on and deceived by persons who were in their confidence, from whom they had a right to expect impartial truth. Of this stamp are some of the communications of Mr. Ellicott, and others; which have been erected upon the authority of his creed respecting this country.

Soon after his arrival in the Natches he applied to the general government, in the name of the people, for a government similar to that North-west of the river Ohio; but we confidently assert, that he had no authority for so doing; and unless the X. Y. Z's of this country are to be considered the arbiters of the people he could have no colour of authority. These characters well knew that if the munificence of the territorial government did not bear some proportion to the expectations of the people, that regret and disappointment would be the consequence. And they knew also, that from the pliancy of the Commissioner, and the complexion of his designs, that if he succeeded in fixing an indelible stigma on the people, the votaries of intrigue would succeed to an exclusive confidence with the government; and if we attend to the general character of his connexions in this country, and the manifest tendency of his actions, it admits of no other interpretation; and we believe there is no American in this country, who will say that he ever gave him such advice.

But by a strange concurrence of events, we have seen an unnatural order of things tolerated by our Executive. We have seen those who had an easy access to the Spanish garrison, and an unrestrained intercourse with the officers (at a moment when the safety of this country, and the best interests

rests of the United States were bleeding at every pore) now enjoying exclusive privileges in the government, with monopolies of the most important and interesting appointments, while those who put all to risk at the nod of the commissioner (in order to support his suit, and enforce the execution of the treaty) are suspected and held in a grade; little better than a conquered people.

The citizens of this country have felt in practice what others have only known in theory, and when a prospect opened for an union with our mother states, which we had long expected, we were determined not to lose sight of the object; and this position fairly digested, accounts at once for our ardor upon former occasions, and our solicitude upon all constitutional questions. To men who are determined to abide the fate of their government, be it good or ill, these things are not unimportant, for we declare to the world that were it threatened with any public disaster, either of foreign or domestic origin, we would rush forward under all the disadvantages we complain of, to repel the intrusion—and our addresses, number I. and II. accompanying this petition, applies with the strongest analogy to these principles.

Your petitioners beg leave to observe that we have no hopes of seeing a militia capable of effectual operation for the service of their country, upon the unprecedented plan of the Executive.

The officers were appointed in groups and frequently detached from their companies; many of whom were scarcely known to the Men they were destined to command; and when we take into view the persons from whom the Governor derived his information of characters, the consequences are too palpable to need a further detail.

That



That the Governor had a right to appoint and commission the officers, was readily admitted; but as he must have information from some quarter, it was a general opinion, that recommendations for officers of corps, would appear as proper, supported by the signatures of sixty-four rank and file, as from two or three persons, who never were recognized as Americans until they received appointments.

And the people fortified with that pride which never fails to animate the breast of integrity, would view it as a less evil, to depend for a moment on the general stock of society for support, than to submit without discussion, to coercive precedents, so utterly subversive of the liberty of the citizen, and so fatal to the reputation of a government founded upon a national association for the general good of the community. And may this national monument of human wisdom never be made subservient to the vanity, the petulance, or ambition of individuals.

The Governor's letter of the 20th. of December 1798, to the Secretary of State, does us much wrong. In it, we are represented as being soured with the general government on account of their inattention to us. But we are qualified to say, that his information was extremely incorrect. We have long considered that government as our only and ultimate resource. And we conceive it has done all it could do for us, consistent with a due attention to greater and more important concerns. It is not with the government we are soured; it is with caprice, oppression, and intrigue; and a previous experience of its effects, have taught us to guard against its approaches. Upon his Excellency's arrival in this country, we had the highest hopes of his administration; we thought him capable of  
 soaring

soaring above the polluted atmosphere that surrounded him. And that every atom of public virtue would soon gravitate to its center, and find a certain and secure asylum in the efficiency and promptitude of his resources! but unfortunately our conjectures have not yet been realized.

Your petitioners beg leave to remark, that the measure of this government in framing and enacting laws, in direct violation of the ordinance of 1787, excited considerable alarm; but when it was found that we were to be taxed at the will of those, who had no concern in the operation of the act, and that no regard was paid to the constitution itself, our affairs began to wear a more serious aspect.

Under these impressions the Committee was formed and instructed to proceed in a regular and constitutional manner for redress, and our addresses, No. 1 and 2, before mentioned, were accordingly presented to the Governor; but no direct answers have been received.

Your petitioners beg leave to remind your honorable body, that many of the citizens of this Territory have fought and bled in the cause of America; a cause which had for its origin, the usurped power of Britain, to compel Americans to obey laws and pay taxes which had not their own consent. And the triumph of America has established the following fundamental maxims in American politicks, viz. That it is the birth right of every citizen to have a voice by himself or his representative in the framing of laws and imposing of taxes. The late Honorable Congress has composed for us a form of Government in which not even a shadow of this precious privilege is retained in its first grade; the executive, legislative, and judicial authorities, so carefully separated and  
limited

limited by the constitutions of the elder States, are here mingled together in the hands of three or four individuals, who have but a partial interest in the laws which have been made; for, except the Judge who has been long an inhabitant of the country, none of the officers appear to have the qualifications, directed and prescribed by the wisdom of the ordinance, in order to blend their interest with that of the permanent citizen. No lands in their own proper right are held by them.

Judge Tilton came to this country and remained only until a code of laws could be framed, in the operation of which he had no concern whatever; he then left us, we presume, to return no more. Judge M'Guire, after a few months residence here, is about to return to the state of Virginia, and he being the only Judge of any considerable law knowledge, which has been appointed for this Territory, our situation will be pitiable indeed. But in the ample variety of your resources, we have not a doubt but you will find a sufficient and effectual remedy.

Your petitioners would further remark, that the Judges and Governor being justly restrained by the ordinance from making new laws, having only the power to adopt; and that small internal taxes, however necessary, cannot be drawn from the pockets of the people without their consent, unless a precedent or example thereof can be found in the State Codes.

This wise and constitutional limitation of power is nevertheless pregnant with local disadvantages, small internal taxes are absolutely necessary. In order to obviate these inconveniences, to extend the fundamental principles of civil liberty, to defeat foreign collusion, and to draw to the salient point of the constitution and government of the



United States every congenial particle that exists in the country; we think ourselves justified in praying for an amelioration of our present political system, suitable to the magnitude and expediency of the object.

We therefore pray, that the Honorable Congress will be pleased to take our situation into serious consideration, and that they will enact, that the ordinance of 1787, in its second grade, may immediately operate in this Territory with such amendments and modifications as the wisdom of your Honorable Body may judge proper and suitable to our remote and singular situation.

It is for these precious privileges, that we have fought under your banners; and shall the Congress of the United States refuse to their children, the same measure of liberty and rights which, by force, we have contributed to wrest from Britain?

The presumption is, they will not.

Natches, October 2d. 1799.

(Signed)

CATO WEST,	N. HUNTER,
SAMUEL GIBSON,	JOHN BOLLS,
WILLIAM ERWING,	EBENEZER SMITH,
THOMAS CALVIT,	JOSEPH CALVIT,
HUGH DAVIS,	GERARD BRANDON,
FELIX HUGHES,	EBENEZER DAYTON,
DAVID GREENLEAF,	THOMAS M. GREEN,
FRANCIS SMITH.	

*I certify the above to be a true Copy of the original.*

N. HUNTER,

*Agent of the Mississippi Territory.*

January 10th. 1800.

T H E undersigned, a General Committee regularly chosen by the inhabitants of the Mississippi Territory, in the several old districts of the same, for the purpose of seeking (by the constitutional mode of petition) a redress of the grievances which oppress this country.

The Committee having drawn up and signed two petitions of this date to be laid before Congress, one for a confirmation of the rights of our lands, &c. the other against the oppressive and improper measures of the Territorial Government, and praying for a legislative Assembly, do, agreeably to our instructions for transmitting the same to the seat of the Federal Government, by a special Agent or Agents, hereby nominate and appoint our fellow Citizen Nathworthy Hunter our said Agent (distinguished for his zeal to the welfare of this Country, and his firm attachment to the United States,) to convey and lay before Congress the aforesaid petitions intrusted to him, in full confidence that he will to the utmost of his power and abilities execute the important trust reposed in him by his country, and he is authorized by this committee, to make such explanations and further representations to the General Government, on behalf of this country, as he may find necessary and proper during his continuance at the seat of that Government as Agent for this

this Territory, and we pray the Honorable Congress to give full credence to what he may represent or say in our behalf.

*Natches, October 2d. 1799.*

CATO WEST.  
GERARD BRANDON.  
HUGH DAVIS.  
EBENEZER SMITH.  
SAMUEL H. GIBSON.  
JOHN FOSTER.  
WILLIAM ERWING.  
JOSEPH CALVIT.  
JOHN BOLLS.  
THOMAS CALVIT.  
FELIX HUGHES.  
THOMAS M. GREEN.  
EBENEZER DAYTON.  
FRANCIS SMITH.  
DAVID GREENLEAFF.

B

*An estimate of the sum necessary to be raised in the county of Adams for the service of said county, to wit,*

	<i>Dollars,</i>
For building the goal, iron work included, - - - }	3,500
Sheriff's expences including wood and water for the sustenance of the prisoners confined, - - - }	500
Timber for a kitchen for the goal building and nails included, - }	250
Pickets for inclosing the goal and court house, - - - }	80
Timber, planks and nails for building the court house, - - - }	4,000
Four bridges over St. Catharine, -	2,400
Sheriff's fees for holding Coroners Inquest on the bodies of Ann Douglass and Joseph Duncan, previous to appointment of Coroner, - }	20
Milling Woolley, Esquire, for holding an inquest upon the body of R. Catton, killed by the Indians, - }	10

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*Dollars* 10,760

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*To His Excellency, Winthrop Sargent, Esq. Governor of the Mississippi Territory.*

The undersigned, a Committee chosen by the inhabitants of this territory, beg leave respectfully, to call your attention to the following important objects—

1st. The situation of this country with respect to our former parties, and the consequences which have grown out of them.

2d. Strictures upon some papers of record in relation to this country.

3d. A deduction, including our opinion what measures seem best adapted to inspire a reciprocal confidence between the people and the executive.

1. The present situation of this country as manifested in the late presentments of the grand juries of both counties, and aggravated by an involuntary impulse of the great mass of society, exhibits a crisis in politicks, which commands the attention of every lover of order and good government, and points directly at the propriety of enquiring into the causes which have conspired in producing these pernicious effects.

In recurring to a recital of former transactions in this country, it will necessarily involve a subject that all men ought to concur in reprobating: but we have no alternative left us—no possible prospect of a remedy, unless we strike at the radical source of the disease.

It is to be remembered then, that for a long time prior to the arrival of the American commissioner, two parties had actually existed in this country. The planters, mechanics, &c. chiefly natives of the United States constituted the one party. A number of miscellaneous characters, including informers and a train of court sycophants, who had been long in the habit of corrupting the officers at the expence of the honest and undefining subject, constituted the other.

There is too great a disparity in the character and importance of these parties to admit a parallel: the one



possessed all the essentials whereby we measure worth and importance in publick societies—the other possessed all the arts of seduction and intrigue : and happy had it been for this country, had the commissioner with all his apparatus, been able to penetrate and repel the nefarious designs which were laid to embroil him with the people, and the people with one another. But for want of a manly confidence in his own internal resources, or for want of personal courage and integrity. he fell into the snare ; and under a pretext that the people were doing wrong, he makes a voluntary sacrifice of all his natural connexions, (including every officer of the United States then in the country) and threw himself under the patronage and protection of Don Minor and his satellites, and became a principal and active instrument in that system of tumult, which has been so abundantly productive in this country.

After deserting and betraying the people, and as we conceive, abandoning the best interests of the United States, we are to view him from this time under an implicit submission to foreign intrigue—nor can art or deception convince the people of this country to the contrary. While some of the satellites abovementioned, (now his most intimate friends) were propagating with great industry, an idea that the United States would never get possession of this country, he took particular care not to contradict the assertion : and while these opinions were operating to the utmost terror of the people, under the vile pretext of retaliating for injuries done him in his publick character, he makes a formal information to the Spanish government on several of the most popular characters in the country, who had advised him to measures for carrying the treaty into immediate effect. Many were amused with an idea that he was making discoveries of the greatest national importance, through the channel of his foreign connexions, until captain Guion began to cover his cannon and stores by a fortification : he then openly came forward and endeavoured to excite the people to take upon

them the control of the military ; he assured them it was their right, and if they did not assert it they might bid adieu to their liberty.

This is the man who, we conceive, has greatly contributed (in order to finish a counterpart to his former labours) in giving this austere and unaccommodating tone to our government, so foreign to the genius of the Federal Constitution, and so humiliating to a people proud of their liberty. When he could profit no longer by fomenting quarrels in the first person, he has now reached us through the government, by leading it into all the perplexities inseparably attendant upon erroneous conclusions. The impressions he has latterly made of our character, is not only calculated to degrade us in the eyes of all the world, but it has a direct tendency to give confidence to the insolence of faction, and suffocate the germ of publick virtue in the upright citizen : for it is an indubitable fact, that the influence and exertions of this man has uniformly applied, as an unerring barometer to the commotions of this country.—For instance, when captain Guion succeeded captain Pope in his command, by refusing to have any thing to do with him or his intriguers, tranquility was restored to the country, notwithstanding his unremitted attempts to create distrust and enmity between him and the people.

2. Upon your Excellency's arrival in this Territory the people were ready to embrace you as a father—rejoicings were heard throughout the country, that a Governor from the United States had at length arrived—we anticipated the happiness that we hoped would be derived from your administration, which was greatly heightened by the declarations in your address to the people of the Natches, of the 18th of August 1798—In which address you say (with many other flattering and agreeable things) that merit only, with strong and evident marks of attachment to the United States, can entitle a man to office ; and that you postponed the same only for due information of characters suitable to commission, which information you hoped to obtain by

an acquaintance with the people : but without waiting for this, you went directly to Mr. Ellicott's camp on the line, and we heard no more of your acquaintance with the people. A list of appointments had been made out (as we have reason to believe) by the two commissioners; and as we have been informed, was handed you by Mr. Ellicott—a man as much devoted to Minor, as Minor is to foreign intrigue : yet it was natural for you to consider him worthy of your confidence ; but that confidence it is clear to us has been greatly abused.

It is reasonable to suppose that Minor, from the general tenor of his pursuits, would wish to create an influence in this territory ; and that he has done it is clearly demonstrable in the result : and we can assure you, sir, that insinuations have been thrown out to officers of considerable rank, that they were to thank Minor for their appointments. No man who has the least concern for the honor, dignity, and safety of his country, or has a spark of personal independence in his composition, but must recoil at an idea so full of debasement.

But could it be possible these suggestions were merely imaginary, and had no existence in reality, they operate as facts, and are worthy the attention of the wisest and most virtuous executive. And it is ardently to be wished, that the government would avail itself of the aid of publick opinion, in all future appointments, particularly in the militia : the advantages are prompt and full of consistency—the disadvantages have been felt by experience.

It is admitted nevertheless, that many good men have been appointed, and several of that description still continue in office : but others finding it impossible to acquit themselves, either with advantage to their country or with credit to themselves, have been borne down by the torrent of publick opinion, and resigned their appointments.

The retrograde effect that every measure has had, is an evidence that the people are either dissolute and corrupt,



that they are mistaken in their conclusions, or that the government has adopted and pursued improper measures : and as we cannot believe you capable of a direct intention to injure this country, or the government of the United States, we do most solemnly assure, you on our part, that if we stand chargeable with any thing inconsistent with the interest of the Federal government, we conceive it to have arisen from neglecting so long to make these declarations.

The President of the United States, in his letter to your excellency of the 7th of April, observes that the situation in which your country has placed you is at present of great importance to its interest and safety—we feel the full force and consistency of this remark—we are penetrated with the keenest sympathy in behalf of our mother states—and while we do most unfeignedly approve them, for their vigorous and manly efforts to avert war and repel foreign influence—we feel regret at our own internal debility.

3. A deduction from the foregoing statement, will lead directly to the following conclusions—either that the people are secretly endeavouring to degrade and insult the constitution they have solemnly sworn to defend, or that they are actuated by the clearest conviction, that the government has been surprised into precipitate and improper measures : we therefore conceive ourselves qualified in a particular manner to assure you, that if we have been rash or precipitate in our conclusions, it originates from an anxious solicitude for the interests of society, an incorruptible attachment to the government of the United States, and our hatred and contempt of foreign influence and intrigue.

What pity such a disposition should be distrusted and abused, while the spawn of corruption are basking in the sunshine of favour, fattening on the emoluments of office, and smiling at the downfall of publick confidence—that essential, that indispensable pillar, without the support of which, governments themselves could not exist.

A want of confidence on the part of the government is clearly demonstrated in the rigorous and unconstitutional measure of the criminal laws. We therefore pray that distrust on the mass of the people, be at least suspended, and fix it where nature intended it to rest.

This language, supported by these arguments, may bear peculiarly hard upon some who may mean well to their country; but let them reflect, that it is better to amputate a limb than that the whole body should perish. Let the country be divided into proper districts: let the people have the privilege of recommending the officers of militia—their interest will be the same, and their confidence mutual. Many who have been in the habit of voting for a President of the United States, think it peculiarly hard upon this occasion, that they cannot recommend a captain or subaltern in whom they can confide. Let your field officers be popular: let them be Americans, free from all foreign prejudice, and such as have never ploughed with the heifer of intrigue: the people will shew them to you, sir, if you will permit them. The justices of the peace and other civil officers should be of the same description—no foreign predilection.

Let the laws be cut down to a constitutional standard, or rather let the laws be adopted agreeably to the ordinance of 1787, and let them be administered with firmness, tempered with clemency and humanity.—

By extending an indiscriminate paternal confidence to the people, you embrace all and make them your own: the germ of patriotism would expand—and an emulation united with the utmost vigilance, would animate our military preparations—That the people may be happy and the government respectable, is the unceasing prayer of

*Your Excellency's most obedient humble servant,*

(SIGNED)

*Cato West,  
N. Hunter,  
William Erwin,*

*Alexander Montgomery,  
Thomas Calvit,  
Ebenezer Dayton,*

Thomas M. Green.  
 John Foster,  
 John Bolts,  
 Samuel Gibson,,  
 Ebenezer Smith,  
 David Greenleaf,

Francis Smith,  
 Gerard Brandon,  
 Israel Luse,  
 Hugh Davis,  
 Felix Hughes,  
 Joseph Calvit.

*I certify this to be a true copy,*

CATO WEST,

*Chairman of the Committee.*

August 26th, 1799.

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No. 2.

*To his Excellency the Governor, and the Honourable  
 Judges of the Mississippi Territory.*

The undersigned, a committee chosen by the inhabitants of this territory, beg leave respectfully to represent :

That, when the Honorable the Congress of the United States were pleased to apply their ordinance of 1787, to this territory—though it did not entirely meet the wishes, or the local circumstances of the country—yet it was in a high degree flattering, because it embraced us as a member of the government we loved—and had the ordinance so applied, been constitutionally administered, and the discretionary power exercised with the liberality and beneficence we had a right to expect, there is no doubt but murmur and discontent had been banished the country; but instead of adopting laws in observance of the letter of the ordinance, we are presented with a code which are in many instances at variance with the constitution, capricious in their application, and has every criterion of laws made, in place of laws adopted. The ordinance says, explicitly, that the governor and judges or a majority of them shall adopt laws from the original states; and Congress seems to have been particularly guarded in this respect—the republican system requires a repre-

sentative body to be able to make laws, they cannot be made by proxy, and we conceive the ordinance under no construction authorises such a power.

Were the laws legally adopted agreeable to the ordinance of '87, we have nevertheless an undoubted right to remonstrate against any which might not suit the circumstances of the country; but as they evidently want a constitutional medium, we are warranted in the conclusion that they are not literally adopted from the original states: under these impressions it is needless to discriminate between them, for if they were objectionable in no other respect, this itself would arrest them in their judicial operation, and subject them to the severest censure; for it is preposterous to conclude that men will not abuse a power which has been already assumed.

But, if this government has not had it in their power to adopt laws for want of the several state codes, (which is readily admitted) we conceive they might (in a dilemma like this) with great propriety have made it known to the people; who, on a request, would gladly have sent a number of the best informed men from the several districts, to assist in forming regulations for the time being, in aid of the common law; and regulations so formed, would have had all the force and authority of laws—the people would have viewed them as the organ of their own will, and would have given them every practical support; we should have felt the advantages of distributive justice, and this representation had been unnecessary.

And should the government be still unprepared for adopting laws in strict observance of the ordinance, we are clearly of opinion, that to take measures for forming regulations as mentioned above, would yet be highly proper, and would meet the wish of the community.

We, therefore, pray, that the laws may be literally adopted in conformity to the ordinance; or, that re-



gulations for the time being be adopted as aforesaid.

August 27th, 1799.

(SIGNED.)

<i>Gerard Brandon,</i>	<i>Israel Luse,</i>
<i>Alexander Montgomery,</i>	<i>Francis Smith,</i>
<i>Ebenezer Smith,</i>	<i>William Erwin,</i>
<i>Moses Bonner,</i>	<i>Ebenezer Dayton,</i>
<i>Felix Hughes,</i>	<i>John Bolls,</i>
<i>Joseph Calvit,</i>	<i>Samuel Gibson,</i>
<i>Cato West,</i>	<i>Thomas M. Green.</i>
<i>N. Hunter,</i>	

*A true copy,*

*Cato West, Chairman of the Committee.*

No. 3.

GENTLEMEN,

We have to acknowledge the receipt of your address of the 27th August, and shall without preface reply to such remarks as most directly concern us,

Without laying open then the sources of your information, you have confidently asserted, that the laws now in force in this territory, have originated with us, contrary to the letter of the ordinance, which authorises us to adopt, but not to make laws—that they carry the marks of illegitimacy in the face of them, and that they are not only of base origin, but are oppressive in their nature, capricious in their effects, and at open variance with the constitution of our general government—so that in your opinion we have arrogantly assumed a power, which we have as wantonly abused.—These are charges of considerable magnitude, and which, although made with a degree of confidence, which nothing less than a conviction of their truth on your part, should justify: we undertake to say are badly supported.—There are few laws of this territory, either of a civil or criminal nature, but what are derived from some one of the state codes; and where we have ventured to depart from them, it has been in

favor of our citizens, by lessening of fines and penalties; but where it has so happened, that evils actually existed among us, for the remedy of which, no provision could be found in the laws to which we had access.—We have not so far distrusted our authority, as not to take immediate steps to prevent their growth and continuance.—Admitting your construction of the ordinance to be just, and that we have not a power to enact laws on any occasion—upon what principle, can you gentlemen, come forward and say that we ought to delegate a power to others, which you deny to exist in ourselves?—would not this (in either case) be making laws by proxy? and should we not subject ourselves to the severest censure, were we weak enough to be so far missed from the plain path of our duty?

Leaving then this doubtful point of right to be decided by our superiors, let us proceed to what is more certain—We certainly have a power to repeal laws of our own making, or adopting; and this power we shall not hesitate to exercise, whenever the good of our fellow citizens may require it.

(Signed)

WINTHOP SARGENT.  
WILLIAM M. GUIRE.  
P. BRYAN BRUIN.

*Natches, October 5th, 1799.*

Messrs. Moses Bonner, Felix Hughes, Joseph Calvit, Cato West, N. Hunter, Israel Luse, Francis Smith, William Erwing, Ebenezer Dayton, John Bolls, Samuel Gibson, Thomas M. Green, Gerard Brandon, Alexander Montgomery, Ebenezer Smith.

*A true copy,*

*Cato West, Chairman of the Committee.*

No. 4.

*To His Excellency the Governor, and the Honorable the Judges of the Mississippi Territory.*

The committee have the honor to announce to you the receipt of your favor of the 5th of October, in an-

swer to our address of the 27th of August, 1799; and the obligation conferred upon us on this occasion, shall be acknowledged with the gratitude due to the most distinguished favors:—For although we did not lay open to you the sources of our information, with respect to your making laws—you have abundantly justified the assertion, and our construction of the ordinance, that you had the power to adopt laws only.—It is necessary however to premise, that unless we are permitted to adopt your own method of quotation and inference, it will be impossible directly to reply to the answer before us.

You acknowledge that there are a few laws, which have not been derived from any of the state codes; but you say that every departure from them, has been in favor of the citizens, by lessening of fines and penalties.—How are we to reconcile this assertion to the several penal cases which requires a forfeiture of the whole estate, real and personal?—In our territorial code, any person or persons convicted of treason, shall suffer the pains of death, and moreover forfeit all his, her, or their estate, real and personal to this territory.—The constitution says that Congress alone shall have the power to declare the punishment of treason, and by their laws no forfeiture is required.—On conviction of arson, the person or persons so convicted, are to be whipt, pilloried, confined in goal not exceeding three years; and forfeit all his, her, or their estates, real and personal, to this territory.—The constitution says that excessive fines shall not be imposed, nor cruel and unusual punishments inflicted—It says moreover, that none of these offences shall work corruption of blood, or forfeiture of estate, longer than during the life of the person convicted, and that in the case of treason alone.—Is not this then a flagrant breach of the federal constitution? is it not a manifest assumption of power, (independent of the act of framing laws,) and is it not an insuperable argument, that the lessening of fines and penalties in favor of the citizen, are not the

leading features of your legislative labours?—though if evils actually existed, which made it necessary to overstep the constitution in order to provide a remedy, and prevent their growth and continuance, they were entirely unknown to us: for we had known this country when we were more than twelve months without the benefit of laws of any sort, and notwithstanding we had been divided by the designing schemes of foreign incendiaries, the general stock of virtue was sufficient to preserve peace, and awe the vicious; for crimes were not more frequent then, than they are at present—and if this fact is admitted (for it cannot be denied) it affords a hint to legislative bodies, that merits their deepest attention.

You have asserted gentlemen, that we wish you to delegate a power of making laws to others, which we deny to exist in yourselves: but, as this is a species of logic adapted only to the exigencies of the case, we would beg leave to deny the position—the act of making laws without the necessary qualifications for so doing, is greatly different from that of forming temporary regulations—there is scarcely any analogy in the cases—the one is an assumption of power for doubtful purposes—The other was only a temporary compact embracing (as we thought) the various interests of the country—The one has a tendency to generate distrust and enmity between the magistrate and the people—the other was calculated (in our opinion) to harmonise and restore the broken relations of the community—and whether it was an attempt to mislead you from the plain path of your duty, as you evidently insinuate, is a matter we leave with time and our superiors to determine.

But proceeding to what is more certain, you say, that you have certainly a power to repeal laws of your own making or adopting; *this will be admitted in its fullest latitude*—and the act of Congress which gives the Territorial Legislature the power of *repealing*, is an undeniable evidence that they *have not the power of making*



*new laws*: for had they the power of making, the act which provides the power of repealing, *would be a nullity*; for the framing and repealing powers are necessarily inseparable, and this rule has a universal application to all legislative bodies, whether *delegated or assumed*.

And that you may exercise the repealing powers, and every legitimate power of the government in a manner suitable to the circumstances of this country, and the general interests of our nation, is the unfeigned wish of this committee.

(SIGNED.)

*Cato West,*

*William Erwin,*

*Thomas Calvit,*

*Samuel Gibson,*

*John Bolls,*

*A true copy,*

*Ebenezer Smith,*

*Joseph Calvit,*

*Felix Hughes,*

*Gerard Brandon,*

*N. Hunter,*

*Cato West, Chairman of the Committee.*

*October 21st, 1799.*

1842  
The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting of the Executive Committee.

Mr. J. W. [Name] of [Location]  
Mr. [Name] of [Location]  
Mr. [Name] of [Location]

Mr. [Name] of [Location]  
Mr. [Name] of [Location]  
Mr. [Name] of [Location]

Mr. [Name] of [Location]  
Mr. [Name] of [Location]  
Mr. [Name] of [Location]

Mr. [Name] of [Location]  
Mr. [Name] of [Location]  
Mr. [Name] of [Location]

Mr. [Name] of [Location]  
Mr. [Name] of [Location]  
Mr. [Name] of [Location]

Mr. [Name] of [Location]  
Mr. [Name] of [Location]  
Mr. [Name] of [Location]

Extracts from the several presentments of the  
Grand Juries at the opening of our Courts  
in the Mississippi Territory.

*At a Court of General Quarter Sessions for the county  
of Adams, on the sixth day of June, 1799.*

WE, the Grand Jury for the county aforesaid, present, That whereas a law directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several counties, is, in several instances, oppressive, and may be attended with the most baneful effects; we consider it as an imposition upon the good people of this territory—and protest against the same.

We, the Grand Jury aforesaid, consider it a grievance, that a law should be passed to levy a tax on the county of Adams previous to a census of the people being taken—we present as a grievance that the amount of the sums, proposed to be levied, should be vested in the Governor and one Judge alone.

We present as a grievance, that money should be levied for the purpose of repairing roads and bridges, which can be more easily effected, and less burthensome, by the manuel labor of the inhabitants and negroes, as was the custom heretofore practised.

We present as a grievance, that any Sheriff of this territory be vested with power (according to the 8th. section of a law passed to levy a tax, for defraying the expences of the same in each county,) to commit any citizen of this territory to the common goal, without sufficient proof of his or their default, and without a complaint, warrant or commitment.

We present as a grievance, that any one person should be vested with the sole power of contracting, on his own terms, for the erecting of the public buildings in this territory—and, that proper persons be not appointed as commissioners to examine their accounts and inspect the said buildings, during the time of their erection, on failure of which great frauds may be committed, to the manifest injury of the good people of this territory.

We present as a great and enormous grievance, the operation of a law which prohibits many of our good citizens from removing their slaves out of the Spanish dominions, and we conceive an exception in that case ought to be provided.

We present as a grievance, that we have not even the opportunity of being advised with in matters which respect our own immediate concerns and welfare—a privilege always enjoyed heretofore under a despotic government; and as guardians of the people, we totally disapprove of the unexampled, oppressive and enormous fees, demanded by the law for licences, &c. which surpasses any thing ever yet heard of. At the same time, we think it a duty incumbent on us to acknowledge our loyalty and attachment to government, with zeal and firmness, declaring our determined resolution, to support and defend it with our lives and fortunes.

*In testimony whereof we have hereunto subscribed our names.*

SUTTON BANKS, <i>Foreman.</i>	DAVID FERGUSON,
JAMES STEWART,	ANTHONY GRASS,
ADAM BENGAMAN,	RICHARD KING,
JAMES STEWART,	JESSE CARTER,
HENRY HUNTER,	BENJAMIN FARRAR,
WILLIAM CONNER,	THOMAS LOVELACE,
JOHN FOSTER,	JOSEPH CALVIT,
JOHN BOLLS,	CHARLES SURGETT,
PATRICK FOLIA.	

Extracts from the presentments of the County of Pickering, held on the 17th. of June 1799.

WE present as a grievance, that so respectable and numerous a body of people as inhabits the Mississipi Territory, are allowed in no shape or form to interfere in their own government; in consequence of which, our population is rapidly decreasing and our inhabitants moving off to the Spanish dominions.

We present as a grievance, that the Governor and Judges should assume to themselves the power of making laws, whereas the ordinance of Congress of the 13th. of July 1787, impowers them only to adopt laws already made, in the original states, best suited to the circumstances of the country.

We present as a grievance, that the Governor and Judges should ascertain the sum proposed to be levied on the county, or that any tax should be layed on the county, previous to a census of the people being taken.

We present as a greivance, from the late and impolitic appointments of officers, civil, and military, all confidence appears to be destroyed between them and the people.

We present as a greivance, that persons, well known to be hackneyed in Spanish duplicity and drudgery, should be nominated to posts of profit, honor, and trust, and we have reasons to believe are the Governor's greatest confidants.

We cannot conclude our declarations without imploring the Divine assistance on the arms, and superintendance on the measures, of Congress;—  
and



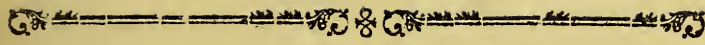
and may they be so sincerely inclined to do us justice—and permit us to be inrolled under the endearing appellation of fellow citizens;—as we are strenuously resolved to merit and support the character of good Americans.

(Signed)

CATO WEST, *Foreman.*  
 GEORGE SULSER,  
 JAMES TRULY,  
 PARKER CARRADINE,  
 ROBERT THROGMERT,  
 ALEXANDER MONGOMERY,  
 T. M. GREEN,  
 FELIX HUGHES,  
 JESSE HARPER,  
 ROBERT MILLER,  
 THOMAS WHITE,  
 GIBSON CLARK,  
 EBENEZER SMITH,  
 MATTHEW TURNAN,  
 THOMAS CALVIT.

As the above presentments were made prior to the formation of the committee, they not only evince the necessity of such a convention; but they afford an undeniable evidence that the change in the government, prayed for in the petition of the committee, are consistent with the wishes of the people, essential to their happiness and welfare, and truly congenial to the best interests of the general community.

N. HUNTER,  
*Agent of the Mississippi Territory.*



R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 28th ultimo,

THE

P E T I T I O N

OF

MOSES WHITE,

WITH THE

REPORT OF THE FORMER

Secretary of the Treasury, thereon.



4th February, 1799.

Committed to a Committee of the whole House,  
to-morrow.

15th January, 1800,

Committed to a Committee of the whole House, on  
Monday next.

[Published by order of the House of Representatives.]







# R E P O R T.

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*The Committee of Claims, to whom was referred the petition of Moses White, with the report of the former Secretary of the Treasury, thereon.*

## REPORT—

**T**HAT the object of the petitioner was to obtain a settlement and allowance of his account against the United States, for services and expenditures on behalf of the public, during the war.

The powers vested by law in the officers of the Treasury Department, are competent to adjust and settle most of the items mentioned in the account of the petitioner; and, since his petition was originally referred to the Secretary of the Treasury, those items have been considered and partially adjusted by the proper officers. The committee are therefore of opinion, that with respect to that part of the petitioner's account it would not be expedient or proper for the Legislature to interfere:—but the item of the greatest magnitude and of most importance to the petitioner, which is a claim for additional pay as aid-de-camp to Brigadier General Moses Hazen, from the first of August, 1781, to November 3d, 1783, not having been expressly authorized by any act of Congress, has not been allowed in the settlement of the account.

With respect to this part of the petitioner's claim, the committee report, that by the act of Congress, of the 21st of June, 1775, the commander in chief was allowed three, and each major-general, two aids-de-camp, whose pay and rank were established by subsequent resolutions—by a resolution of Congress on the 30th of

March, 1776, each brigadier-general, when on command, was empowered to appoint a brigade-major, and by another resolution, on the first day of July, in the same year, *a brigadier-general, acting in a separate department, was allowed an aid-de-camp.*

On the 27th day of May, 1778, it was provided “that the brigade-major should be appointed as heretofore by the commander in chief, or commander in a separate department, out of the captains in the brigade to which he should be appointed”—and by a resolution of that date the additional pay of aids-de-camp, and of brigade-majors was established. Upon the 28th of June, 1782, so much of the act of the 27th day of May, 1788, as relates to the additional pay given to captains and subalterns acting as aids-de-camp, and brigade-majors was repealed, and on the same day Congress resolved “that there should be such additional pay and emoluments to the pay of captains and subalterns *serving as aids-de-camp to major-generals, or brigadier-generals,* and to brigade-majors as should make their pay and emoluments equal to the pay and emoluments of a major in the line of the army.”

By a resolution of Congress on the 29th day of June, 1781, General Hazen, was “appointed a brigadier in the army of the United States, by Brevet.”—It appears by a certificate from General Hazen, that the petitioner acted as his aid-de-camp, during the time for which he prays compensation.

The only doubt which appears to have arisen respecting the propriety of allowing this claim, is understood to have been because General Hazen held the rank of brigadier by Brevet commission only.


Although Brevet officers were not entitled to any additional pay in consequence of their Brevet promotion, yet it gave them conditional rank—when on command of mixed corps, or on court martials, they took rank with the youngest officer of the grade to which they were promoted—hence, in the local command of his own regiment, General Hazen had no additional rank; but on command, &c. he took rank as the youngest

brigadier.—With respect to the circumstance of his receiving no additional pay, in consequence of the appointment, the committee conceive it will not apply to the question now under consideration.—If a brigadier held the *rank and command*, whether he was a volunteer, or held it by courtesy, or received no pay, they apprehend, by established custom, he was entitled to his staff officers, and they to the customary allowance for their services. The Secretary of the Treasury, in his report on this part of the petitioner's claim, states, that he had not been able “to discover any resolution of Congress by which the claim could be decided; but that there were precedents in practice in favour of it, as applied to brigadiers by *commission*;—that, if this practice were to govern, the circumstance of a Brevet appointment would not, in the opinion of the Secretary, constitute a ground of difference, to the prejudice of the petitioner, inasmuch as *the brigadier is understood to have had the actual command of a brigade* at the time; in which case, the principles of service, with regard to an aid-de-camp, would apply as fully to him, as to a brigadier by commission.”

The committee concur with the Secretary of the Treasury, in the opinion above expressed, and think that the petitioner ought to receive compensation for his services as aid-de-camp;—They, therefore, submit for the consideration of the House, the following resolution—viz:

*Resolved—*

That, in the adjustment of the account of Moses White, late a captain in the army of the United States, the accounting officers of the Treasury be, and they are hereby directed, to credit and allow the account of the said Moses White, for his additional pay and emoluments as an aid-de-camp, during the time he acted in that capacity to brigadier General Moses Hazen, upon the same principles which have heretofore prevailed in the settlement of accounts of officers acting as aids-de-camp to brigadier-generals in the line of the army.



7

# R E P O R T

OF THE

## COMMITTEE,

To whom was referred, on the 14th instant,

THE

## M E S S A G E

OF THE

*PRESIDENT of the UNITED STATES,*

TOGETHER WITH

## A L E T T E R.

OF


JOHN RANDOLPH, junr.

A MEMBER OF THIS HOUSE, FOR THE  
STATE OF VIRGINIA.

---

20th January, 1800.  
Ordered to lie on the table.

[*Published by order of the House of Representatives.*]



1850

STATE OF NEW YORK

In SENATE,  
January 15, 1850.

REPORT  
OF THE

COMMISSIONERS OF THE LAND OFFICE

IN ANSWER TO A RESOLUTION PASSED BY THE SENATE,  
MAY 10, 1849.

ALBANY:  
WILEY & SON, PRINTERS.

1850.

ALBANY:

WILEY & SON, PRINTERS.





# R E P O R T.

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*The Committee to whom was referred the message of the President of the United States, of the 14th instant, together with a letter from John Randolph, junior, a member of the House, accompanying the same,*

## REPORT—

IN executing the task assigned to them, it is with peculiar satisfaction, your committee notice the respect shewn in his message, by the President of the United States to the rights and privileges of the house.

On the style of the letter to the President referred to the consideration of the committee, they forbear any other remark, than to express their regret, that a member of the House has conceived himself justified in deviating from the forms of decorum customary in official communications to the Chief Magistrate of the United States, justly due to his office, and character, and essential to that harmony between the different branches of the government, which should be circumspectly cherished by their respective members.

In Mr. Randolph's letter, he states that for words of a general nature, uttered in debate, in the House of Representatives, on a proposition for reducing the army, he had been publicly and grossly insulted by several persons, officers of the army, or navy, and demands of the executive authority, redress for an attack on his independence and rights as a legislator.

Your committee being of opinion, that the matter of complaint respects the privileges of the House, inherent



in its own body, and there exclusively cognizable, cannot but consider the appeal in this instance to the executive authority, however otherwise intended, as derogating from those rights of the House, with which are intimately connected, both its honor and independence, and the inviolability of its members.

Your committee further report, that on enquiry, they found James M. Knight, captain, and Michael Reynolds, lieutenant, of marines, to be the persons implicated in Mr. Randolph's charge. They on notice appeared before the committee, and denied the truth of the allegations. The committee have collected all the evidence they could find to be material in the case, and heard the parties accused with their witnesses, and altho' they believe a series of circumstances to have taken place at the theatre on the evening of Friday the tenth instant, which appeared to Mr. Randolph and others present to evince premeditated insult towards him; yet as some of those circumstances have been satisfactorily explained, and others are of a nature too equivocal to justify reprehension and punishment, your committee are of opinion, that sufficient cause does not appear for the interference of the House on the ground of a breach of their privileges.

Your committee have taken the evidence in writing, which they submit to the consideration of the House, with the following resolutions.

*Resolved*, that this House entertain a respectful sense of the regard which the President of the United States has shewn to its rights and privileges in his message of the fourteenth instant, accompanied by a letter addressed to him by John Randolph junr. a member of this House.

*Resolved*, That in respect to the charge alledged by John Randolph junr. a member of the House, in his letter addressed to the President of the United States, on the eleventh instant, and by him submitted to the consideration of the House, that sufficient cause does not appear for the interposition of this House on the ground of a breach of its privileges.



# M E S S A G E.

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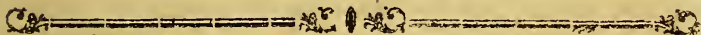
*Gentlemen of the House of Representatives,*

**A**S the inclosed letter, from a member of your House, received by me in the night of Saturday, the 11th instant, relates to the privileges of the House, which, in my opinion, ought to be inquired into in the House itself, if any where, I have thought proper to submit the whole letter and its tendencies, to your consideration, without any other comment on its matter or style.

But as no gross impropriety of conduct on the part of persons holding commissions in the army or navy of the United States, ought to pass without due animadversion, I have directed the Secretary of War and the Secretary of the Navy, to investigate the conduct complained of, and to report to me, without delay, such a statement of facts as will enable me to decide on the course which duty and justice shall appear to prescribe.

JOHN ADAMS.

*United States,* }  
*Jan. 14, 1800.* }



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[ No. 1. ]

SIR,

Known to you only as holding, in common with yourself, the honorable station of servant to the same sovereign people, and disclaiming all pretensions to make to you any application which, in the general estimation of men, requires the preface of apology, I shall, without the circumlocution of compliment, proceed to state the cause which induces this address.

For words of a general nature, uttered on the floor of this House, and addressed, in my official capacity, to the chairman of the committee of the whole, and urged with a view to effect the reduction of a military establishment, I have been grossly and publicly insulted, by two officers of the army (or navy, I know not which) with evident intention to provoke me to a conduct which, in some sort, might justify the hostile designs which they manifestly entertained towards me, and from the execution of which, I believe, they were only deterred by the presence of several of my friends (members of this House) who felt themselves implicated in an insult, which although more particularly offered to one, was certainly levelled at all.

I am acquainted with the name of one only of these unfortunate young men, who appear to have made so false an estimate of true dignity of character, who seem to have mistaken brutality for spirit, and an armed combination against the person of an individual for an indication of courage. He was called, I think, M<sup>c</sup>Knight:—rank unknown;—and, to my best recollection, of the navy.—Mr. Christie, a member of this House, appeared to know him; and that gentleman, with Captain Campbell Smith, who, as I understood, endeavoured to deter those rash youths from their scheme, and whose conduct would evince, if indeed there were any need of proof, that the character of the

man and the citizen is not incompatible with the profession of the foldier, can give an account of the various instances of misconduct which were exhibited by the parties.—Mr. Van Renffellaer, the Lieutenant Governor of New-York, Mr. Nicholson, Mr. Glen, and Mr. Macon, of the House of Representatives, were likewise present at these transactions.

Having stated the fact, it would be derogatory to your character, Sir, for me to point out the remedy, which it is your province to provide, nor shall I descend from the respect which I owe myself to declare what *are not* the considerations which govern my conduct on this occasion. So far as they relate to this application addressed to you in a public capacity, they can only be supposed by you to be of a public nature; and it is enough for me to state that the Independence of the Legislature has been attacked, the majesty of the people, of which you are the principal Representative, insulted, and your authority contemned. In their name, I demand that a provision commensurate with the evil be made, and which will be calculated to deter others from any future attempt to introduce the reign of Terror into our country. In addressing you in the plain language of man, I give you, Sir, the best proof that I can afford of the estimation in which I hold your Office and your understanding; and I assure you with truth, that I am, with respect,

Your fellow Citizen,

JOHN RANDOLPH, Jun.

Chamber of the Representatives of the U. S. 11th.  
Jan. 24th of Independence.

*The President of the }  
United States. }*



Mr. RANDOLPH, junr's. Statement to the Committee.

SIR,

A MATURE consideration of the subject induces me to suspect, that a refusal on my part to communicate the information requested by you a few days ago, could only have originated in a false delicacy, under whose impulse I am determined never to act. I shall, therefore, proceed to state some instances of the misconduct of Captain M<sup>c</sup>Knight, and Lieutenant Reynolds, on the night of Friday the 10th instant.

Exclusive of repeated allusions to what passed in the House of Representatives during the debate of the preceding day, and a *frequent* repetition of some words which fell from me during that discussion, in a manner so marked as to leave no doubt on *my* mind, or that of Messrs. Van Rensalaer, Christie, or Macon, of their intention to insult me personally; finding me determined to take no notice of their *words*, they adopted a conduct which placed their designs beyond every possibility of doubt, and which they probably conceived to be calculated to *force* me into their measures. Mr. Christie had left his seat between me and the partition of the box; after which Mr. Van Rensalaer who sat on the other side of me laid down, so as to occupy a more than ordinary portion of room, and occasioned my removal to a part of Mr. Christie's former seat, leaving a very small vacancy between myself and the partition: into this Lieut. Reynolds *suddenly* and without requesting or giving time for room to be made for him, dropped with such violence as to bring our hips into contact; the shock was sufficient to occasion a slight degree of pain on my part, and for which it is probable he would in some degree have apologized, had not the act been intentional.

Just before I left the box, one of them, I believe M<sup>c</sup>Knight, gave me a sudden and violent pull by the cape of my coat; upon my demanding who it was (this

was the first instance in which I noticed their proceedings) no answer was given: I then added, that I had long perceived an intention to insult me, and that the person offering it was a puppy. No reply that I heard was given.

It will be impossible for me, Sir, to specify the various minute actions of these persons and their associates, which tended to the same point. Suffice it to say, that their whole deportment exhibited an insolence, and their every act betokened a bold defiance, which can neither be *defined* nor *mistaken*; and which according to the general received opinions of the world, not only would have *justified*, but *demande*d, chastisement.

Referring the committee to the numerous and authentic accounts of this transaction, which the gentlemen present are so well calculated to give, I remain with respect, Sir,

Your fellow-citizen,

JOHN RANDOLPH, junr.

18th January, 1800, and twenty-  
fourth year of Independence. }  
The Chairman of the Committee to }  
whom was referred the Presi- }  
dent's Letter, accompanying one }  
of John Randolph, junr. }

[No. 3.]

Mr. CHRISTIE's Affidavit.

ON the 17th Jan. 1800, came the subscriber before the Hon. C. Goodrich Chairman of a committee of Congress, and being sworn depose, and sayeth: That on Friday evening, the 10th of January, I was sitting in a box of the Theatre—I was shortly after joined by Mr. Randolph, Mr. Nicholson, Mr. Macon, Mr. Baer, Mr. Glen, Gen. Van Cortland, and Mr. Van Rensselaer, of New-York—they all took seats near me—shortly after Mr. Baer, went out of the box—the others remained—after the play was over, and



about the time that the farce was begining, I discovered in an adjoining box captain M'Knight, and a gentleman whose name I have since found to be Reynolds, both officers of the navy—I saw also in company with them captain George Taylor, of this city—I saw them repeatedly look towards our box and whispering to each other—When the procession came forward on the stage, captain M'Knight called out that they were well looking mercenaries—I then began to discover what I had before suspected that some of these gentlemen intended to offer Mr. Randolph, or some of the rest of us an insult on account of the part we took in the House of Representatives respecting the army—It was my intention to have left the Theatre early—but I remained, fearing a disturbance would take place between Mr. Randolph and these gentlemen who manifestly evinced an intention of insulting him—Mr. Randolph took no notice of any thing that was said; and I overheard a person (who it was I know not) say to captain M'Knight and Mr. Reynolds, “ he does not hear you, go nearer to him”—captain M'Knight, and Mr. Reynolds then left the box they were in, and came round into that in which we were and got as close to Mr. Randolph as they could—so near as to touch him—captain Taylor did not leave the box at the time they did, but remained behind—captain M'Knight, called out to captain Taylor, what do you think of these Raggamuffins—these Raggamuffins are not Pennsylvanians, they are black Virginia Raggamuffins—captain Taylor laughed but made no reply—captain M'Knight, and Mr. Reynolds, afterwards repeated the words mercenaries and Raggamuffins, and said that they were not well drilled but would be better at the next session of Congress—finding that none of us took any notice of what was said, Mr. Reynolds stepped with his feet on the seat, on which Mr. Randolph was sitting, and sat down although there was little or no room for a seat—he crowded Mr. Randolph, in sitting down, and I believe sat upon his thigh—Mr. Randolph moved, to give as

much room as he could—Mr. Reynolds remained for about fifteen minutes, and stepped back, upon which captain M'Knight, came forward and took his place, observing the same conduct as Mr. Reynolds had done in sitting down—captain M'Knight spoke to me and I gave him my hand—captain George Taylor then came round to our box and took his place at the back of captain M'Knight, and used once or twice the word mercenaries, and appeared to me to understand fully the intentions of captain M'Knight and Mr. Reynolds and appeared to be desirous of forwarding their views—they all three remained in the box until the farce was over and as Mr. Randolph got up to go out—I heard him call out who was that, that pulled me by the coat—I looked and saw captain M'Knight, Mr. Reynolds and captain Taylor, at his back—I got before them and walked with Mr. Randolph—in going out of the lobby a gentleman whose name I dont know, told me not to leave that gentleman (meaning Mr. Randolph) for it was the intention of these persons to use him ill—I therefore walked with him to the head of the stairs, and in going down was pressed on so closely by captain M'Knight, and others that it was with difficulty I could keep on my feet—I looked back and called out to them not to crowd me and they desisted—in going out of the house captain Taylor and captain M'Knight, came arm in arm and pushed by us and would hardly get out of our way, but walked slowly before us to the corner of fifth street, when we turned off—captain M'Knight, called to me and wished me good night, which compliment I returned—from the whole of the conduct it appeared to me evidently the intention of the whole three to provoke Mr. Randolph to reply to their observations so as to bring on a quarrel—that captain M'Knight and Mr. Reynolds, did jostle Mr. Randolph on his seat and used many expressions that fell from Mr. Randolph in the House of Representatives in the debate on the reduction of the army—and it appeared to me that they

had taken offence at these expressions and were determined to provoke him to a quarrel.

G. CHRISTIE.

Sworn to on the 18th day of January,  
 A. D. 1800, before me }  
 Chauncey Goodrich, Chairman of a }  
 Committee of the House of Representa- }  
 tives of the United States.

[No. 4.]

Mr. NICHOLSON'S Affidavit.

ON the evening of Friday, the 10th instant, I went to the theatre, in company with Mr. Nicholas, Mr. Stone, Mr. Macon, and Mr. Randolph. When we reached the theatre our company accidentally separated; Mr. Macon, Mr. Randolph, and myself going into one box. After remaining there some time, we were joined by Mr. Van Rensalaer, the Lieutenant Governor of New York, and General Cortlandt of the House of Representatives. General Cortlandt and myself were seated on one of the front benches, and as I was attending to the play, I did not hear the remarks which are said to have been made with the view of insulting Mr. Randolph. During the performance of the after-piece, I was called out by Captain Campbell Smith, who informed me that he had understood Mr. Randolph had been insulted by some officers, and enquired if I had heard any thing of it; at the same time stating the cause to be, Mr. Randolph's observations of that day or the day before in Congress. I told Captain Smith I had heard nothing of it, and asked him about the kind of insult which had been offered: he answered that he was not present himself, but from what he had heard he was apprehensive of some disagreeable consequences. I remained in the upper part of the box, where I could see every thing passing in front, and observed with attention the two officers who had been



pointed out to me : they were in conversation, but I was not near enough to hear it distinctly. Their names I am told are M'Knight and Reynolds : the one dressed in plain cloaths, or perhaps his coat might have been trimmed with a light edging of buff cloth ; the other in a blue and red uniform with a sword. At the conclusion of the entertainment I stepped forward, with the intention of protecting Mr. Randolph from any injury, and at the same time, called to him to know if he would walk. He, with Mr. Macon and a number of others had risen from their seats, and were going out of the box. As one (if not both) of the officers remained behind, I suffered Mr. Randolph to pass me, desigining to follow closely after him. At that time I saw Mr. M'Knight throw himself forward with one arm extended, and at the same moment heard Mr. Randolph call out "*who was that that jerk'd my coat ?*" Mr. M'Knight passing by him just then. Mr. Randolph made the same exclamation a second time, and added that the person was a damn'd puppy let him be who he might. Upon reaching the large passage, Mr. Macon, Mr. Christie with several others surrounded Mr. Randolph, and in going down stairs I felt myself pushed with great violence, as I thought for the purpose of throwing me upon Mr. Randolph. I found it necessary to resist the pressure, which I believe would have been impossible if I had not been a very heavy man. Whether Mr. M'Knight was the person who jerk'd Mr. Randolph's coat, or whether those two officers were concerned in attempting to push him down stairs I will not pretend to say. I have stated the facts as nearly as I can recollect them, and from those facts the committee will draw their own inferences.

It is necessary to add, that when Mr. M'Knight threw himself forward in the box, as above stated, there were two persons passing between him and me, which prevented me from seeing whether he took hold of Mr. Randolph or not ; the stair case was darker than usual, owing I believe to the lamps having burnt out, the

hour being later than common; and this prevented me from seeing those persons who were passing forward with so much violence.

JOSEPH H. NICHOLSON.

*Sworn to on the 18th day of January,*

*A. D. 1800, before me*

CHAUNCEY GOODRICH,

*Chairman of a Committee of the House of  
Representatives of the United States.*

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[No. 5.]

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Mr. MACON'S Affidavit.

I WAS at the play last Friday night, and in the same box with Mr. Randolph and others; sometime after the play had been begun, the door of the box in which we were, was opened so often that I turned toward the door to see who opened, and what it could be for, but did not then discover any one going out or coming in, though I saw several people who had come into the box and taken seats behind us; still looking toward the door I saw a young man with blue coat go out, soon afterwards the door was opened again, I looked back, and saw him behind us, in company with a man, who had on a uniform coat, others were also behind us; these men were frequently going out of the box, and after a little time returning again; I do not recollect to have heard either of them say a single word, until the farce was begun, when the man dressed in blue, said these ragamuffins march very well (the players were then marching) at this time I think a third person was with them, who had on a great coat, if he was not, he was with them very soon after; the same words, were quickly repeated by the same person standing near Mr. Randolph, who was sitting; Mr. Van Rensalaer, who sat by Mr. Randolph, and nearly behind me, then said to me, these men intend to insult Mr. Randolph, I answered it appeared much like it; the word raggamuffin was afterwards used, though I do not know by which of

the three, after this when some of the players appeared in a different dress, words were spoken by one of these three men, which I do not know, nor could I hear them plain enough to understand clearly what they said: at another time when the players were marching, one of these men, I know not which, said these raggamuffins march badly, they want drilling and will do better by another session; the man with the great coat, did not I think stay long in the box, nor am I certain that he was there when these last words were spoken; the one with the uniform coat staid more in the box after the farce was begun, than either of the others; the one with the blue coat continued to go out and to return, both these two were in the box I think at the time, we got up to go out: during the farce and when the scenery was changing Mr. Randolph stood up before his seat, as soon as he rose, the man who had on the uniform coat (and at this time I saw that he had a sword) step'd on his seat and stood on it, until Mr. Randolph sat down, he then step'd off the seat, and immediately crouded in between Mr. Randolph and the side of the box, where there did not appear to be room for him to fit either with pleasure or ease; Mr. Randolph instantly made what room he could for him, he did not continue long in his new seat, but got up again, stood behind us, where he had room either to stand or set.

As we were going out of the box, about the time the farce was finishing, Mr. Randolph being near the door and before me, I heard him ask who had taken hold of him, and said that whoever he was, must be a puppy: I got to him as quick as I could, and before he went out of the box; several people were near him, when I got to him; he went out of the box we follow him, as soon as we had got clear of the box, a man said to Mr. Christie keep near to that man, meaning as I understood Mr. Randolph, we walked to the stairs, Mr. Randolph went down before me, as I step'd on the stairs I took hold of the hand of the man next to me, I think it was Gen. Van Cortland, and supported myself with



the other as well as I could, and it was with great difficulty that I was able to prevent being pushed down, some person behind me, I think it was Mr. Christie, said to those behind him, do not push so hard. Messrs. Van Rensselaer, Glen, and Christie were nearer these men than myself, and may have heard their expressions more distinctly than I did.

SIR,

The above is a statement of the facts you asked for, I have endeavoured to keep it clear of the impressions, that were made on me at the time.

NATHANIEL MACON.

*Mr. Chauncey Goodrich.* }  
*Chairman of the Committee.* }

*Sworn to on the 18th. day of January, A. D. 1800.  
 before me Chauncey Goodrich Chairman of a Com-  
 mittee of the House of Representatives of the United  
 States.*

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[No. 6.]

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H. GLEN'S, Affidavit.

HENRY GLEN, *a Member of the House of Representatives of the United States*, SAITH,

THAT in the evening of Friday, the 10th of this month, he went in company with the Honorable Stephen Van Rensselaer, Lieutenant Governor of the state of New-York, to the theatre in this city. Finding vacant seats, we placed ourselves in a front box, where were Mr. Macon, and Mr. Randolph, both members of the House of Representatives. I seated myself by the side of Mr. Macon, and the Lieutenant Governor took a seat by the side of Mr. Randolph. Looking round I found Messrs. Baer, Christie, and Nicholson, all members of the House were behind not far from us.

After a very short time two gentlemen in uniform,

whom I took to be marine officers, came near and were with us in the same box. In course of the entertainments nothing happened to my knowledge, to interrupt the cheerfulness and good humour which prevailed amongst us.

When the after-piece was performing a number of men with a drum, pikes, &c. appeared on the stage: upon a view of this scene, one of the gentlemen in uniform, addressing himself as I supposed to his companion said, "I think our raggamuffins would make a better appearance than those men," or words to that effect. No particular notice appeared to be taken of the expression; and as soon as the curtain was dropped, the officers back of us went out; so did the other gentlemen who were with us.

The Lieutenant Governor and I remained a little time in the box till the crowd had passed, and I saw none of the gentlemen before mentioned afterwards. This statement is made according to my best recollection.

HENRY GLEN.

*Philadelphia, January 14th, 1800.*

*Sworn to on the 18th day of January, anno domini, 1800, before me Chauncey Goodrich, Chairman of the Committee of the House of Representatives of the United States.*

[No. 7.]

Captain CAMPBELL SMITH'S, Deposition.

*Philadelphia, 15th January, 1800.*

I N obedience to the request of the committee to whom I was referred the message of the President of the United States, with the letter of Mr. Randolph, a member of your House, complaining of his having been insulted by two officers of the army or navy, as signified

in the note of the Honorable Mr. Goodrich, to me of this day; I have only to state, that I was not present or within hearing when the abuse as alledged to have taken place; that I went into the theatre at a late period of the exhibition, and but a very little time before the first part was compleated, and was sitting in company with Col. Butler, in one of the lower boxes, when a gentleman of our acquaintance came and informed me of what had happened above, relative to Mr. Randolph, and the officers, but whose expressions I do not now recollect; that immediately aware in my own mind of the imprudence of such conduct in such a place, and apprehensive that some of my military acquaintances might be there, I went up stairs to the door of the box in which Mr. Randolph and some other members of Congress were sitting; at the door of the box I met a gentleman of this city whom I knew, and of whom I asked the question, "Who is that gentleman in uniform?" looking at an officer in the box, and received for answer, that he did not know, but if I wished to be acquainted with him, he would introduce me to Captain M'Knight who was there, and who would introduce him to me. This, however, did not take place at this time: I afterwards discovered a member from Maryland of my acquaintance, in the adjoining box, of whom I enquired if he knew what had happened? He answered in the negative. I told him what I had heard, and that I was apprehensive a fracas might ensue. In moving through the house I met an officer of the army, to whom I mentioned my information and apprehensions. He accorded with me in opinion, and we went to the door of the box in which Mr. Randolph was. Here a tender was again made to me by the same gentleman of an introduction to Captain M'Knight, which did not however occur. We went to another part of the house and returned some little time afterwards, when something being said, which I do not now remember, the gentleman before alluded to, called out Captain M'Knight, and introduced me to him. The captain

called out the gentleman in uniform, whose name I had enquired, and introduced him to me as Lieutenant Reynolds. Just after the usual salutes had occurred, our attention was called to the stage, and the captain and lieutenant returned (as I supposed) to their seats in the box, and I went to an opposite quarter of the house.

When the entertainments closed I went out amongst the first, and stood on the pavement above the theatre, till I saw Mr. Randolph come out with several members of Congress. In their rear were the captain and lieutenant. They all moved down Chestnut-street, I followed them to the corner of Sixth, and turned up and retired to my quarters.

The next evening I was in company with Mr. Randolph, and several other members of Congress, when the occurrence at the theatre on the night before was talked of; from which company as I retired Mr. Randolph followed me into the entry of the house, and observed to me, that he had taken the liberty to mention my name in a letter which he had that morning written to the President of the United States, requiring an investigation into what had happened the night before at the theatre; to which I replied, that I had no objection to attest what I knew, and we parted.

#### CAMPBELL SMITH.

*Quest.* Did you observe any acts or expressions of captain M<sup>c</sup>Knight, or of any other person which you apprehended designed to insult Mr. Randolph?

*Ans.* He did not.

*Quest.* Were you present at any time when captain M<sup>c</sup>Knight and lieutenant Reynolds were in the box with Mr. Randolph?

*Ans.* I was several times at the door of the box in which those gentlemen were.

*Quest.* Did you at any of those times observe any exceptionable conduct on the part of those gentlemen?



*Ans.* I did not, they were sitting perfectly quiet.

CAMPBELL SMITH.

*Sworn to on the 16th day of January Anno Domini, 1800  
before me Chauncey Goodrich Chairman of a Committee  
of the House of Representatives of the United States.*

[No. 8.]

Capt. JAMES M'KNIGHT's Statement.

ON Thursday the 9th instant, I returned to Philadelphia after having guarded 54 French prisoners to Fredericktown, (M.)—on the evening of my arrival, I obtained permission to be absent until the day following, the night I spent with my family at Captain Decatur's seat, 14 miles from the city, and I did not return until 12 o'clock on Friday, at which hour I was ordered on a court martial, which did not adjourn until 3 o'clock, I did not quit my quarters until 6 o'clock at which hour I went to the Theatre alone, in an undress, and without arms. After remaining in the Theatre, for some time, I was joined by several acquaintances. On my return to the Theatre, I went by accident into the box, where the person sat, that I now know as Mr. Randolph: the appearance of a number of persons in the garb of turks, I remarked that our raggamuffins would make a better appearance, and several times during the evening, I repeated the words, raggamuffins and mercenaries. A very interesting piece of scenery being introduced, most of the persons in the box rose up: finding my view obstructed I stepped on a vacant bench; a person soon after set on my feet, I desired him to rise, which he did, without any appearance or expression of anger; I soon after stepped behind, where (except for 8 or 10 minutes) I remained during the performance, but I am positive I never sat beside Mr. Randolph, during the evening. As the time of quitting the box I had hold of captain Taylor's right arm, the croud was great; at the box-door, captain Taylor was jostled, and I put out my arm (but without any violence) to make room

Captain Taylor I myself then went out before Mr. Randolph and his friends; we walked down Chesnut to fifth Street, at which place I wished Major Christie good night, and he returned the compliment, and I am certain that I never mentioned Mr. Randolphs name during the evening, nor did I know Mr. Randolph was to be at the Theatre, or do I ever recollect seeing him previous to Friday evening and from his youthful appearance and dress, I had no idea of his being a Member of the House of Representatives, and I trust it will not be supposed, I would do an act, that would be an infringement of the privileges of Congress, for whom I have the highest respect.

JAMES M'KNIGHT,  
*Captain of Marines.*

[No. 9.]

MICHAEL REYNOLD's Statement.

ON Friday evening the 10th instant, lieutenant Thompson and myself went to the Theatre, and after some time being seated, were joined by captain M'Knight: during the performance of Blue-Beard, there appeared on the stage a number of strange figures, when some one of the Gentlemen present made use of the expression that the Raggamuffins would make as much better appearance, to which I replied, that could not be doubted, but as to my knowing of Mr. Randolph's being in the adjoining box I did not, untill I heard some one behind me mention it, and as to our having any previous conversation, relative to our going to the play, to insult him, or any other gentleman never entered my head—I went to the play-house in uniform and with my side arms, and am confident that none of the other gentlemen in the box with us had either uniform or side arms.

*Philadelphia, 16th, January 1800.*

MICHAEL REYNOLDS Junr.  
*Lieutenant of Marines.*



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 JAMES THOMPSON'S Statement.
 

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[No. 10.]

ON Friday the 10th instant, Lieutenant Reynolds and myself attended the Theatre, and after being some time in the House were joined by captain M'Knight. I neither knew or expected to meet Mr. Randolph, although it so happened that we got into a box adjoining (without design) the one in which he with other Members of the House of Representatives, was seated. Soon after Captain M'Knight's coming over to us, which was not until long after our having been in the House, some remarks were made on the performance and performers, in which the words raggamuffins and mercenaries were used. Although Capt. M'Knight was in the same box behind Mr. Randolph, yet I neither saw or heard him address himself to that gentleman; and while I was present nothing like a personal insult appeared to me to be offered, unless, his repeating the words above can be so construed.

JAMES THOMPSON,

*Lieutenant of Marines.*

*Questions by Captain M'Knight.*

*Question.* Did you see me seat myself by Mr. Randolph in the course of the evening?

*Answer.* I did not, but it might have happened without my observing it.

*Question.* Were we constantly together during the performance of the Farce?

*Answer.* We were either in the adjoining boxes, or it may be, for a little time in the same box; but in full view of each other and within speaking distance the whole time.

*Question.* Was I not in an undress and without any weapon that evening?

*Answer.* You was in an undress and without any weapon which I knew of.

*Question.* Did you leave the Theatre, with Lieutenant Reynolds, and when?

*Answer.* I stayed in the box, and Lieutenant Reynolds was with me there, after Mr. Randolph left it—and we came away together and did not see Mr. Randolph after he left the box. Captain M'Knight left the box before Mr. Randolph, and I did not see him afterwards that evening.

*Question.* Did you hear me mention Mr. Randolph's name that evening at the Play-House.

*Answer.* I did not, that I recollect.

*Questions by the Committee.*

*Question.* Did Captain M'Knight, use the expressions mentioned by you of ragamuffins and mercenaries, or by whom were those expressions used?

*Answer.* I think by Captain M'Knight. He asked Lieutenant Reynolds, if he did not think the ragamuffins would perform better than those on the stage; alluding as I understood to a procession in the Farce; to which Lieutenant Reynolds answered he thought they would.

*Question.* Did you know of any particular application those expressions were intended to have?

*Answer.* I do not know Captain M'Knights intention; nothing was ever said by him or any other person in my presence of any intention of insulting Mr. Randolph or any other person.

*Question.* Did you hear any person, say to Captain M'Knight, or Lieutenant Reynolds, he does not hear you, go nearer to him.

*Answer.* I did not.

*Question.* When did Captain M'Knight leave the box where he first came to you, and in what manner.

*Answer.* I do not recollect whether Captain M'Knight left that box before the conclusion of the Play, but in the interval between that and the Farce, Captain M'Knight with several other gentlemen and myself went together to a public house in the neighbourhood of the Play-House, and supped together, and on our return to the Play-House, Captain M'Knight went into the box

where Mr. Randolph was, and remained there during the Farce, or was there the most of the time.

*Question.* Did you see any person take hold of Mr. Randolph or pull his coat ?

*Answer.* I did not ; but I heard Mr. Randolph as he left the box, say, that some person had taken him by the shoulder evidently to insult him, or words to that effect.

*Question.* Have you any knowledge where Captain M'Knight was at the time Mr. Randolph made that observation ?

*Answer.* At the time Mr. Randolph made the observation I have mentioned, Captain M'Knight had left the box, and was forward of Mr. Randolph.

*Question.* Did Captain M'Knight, in going out of the box, pass Mr. Randolph--and in what manner ?

*Answer.* We passed Mr. Randolph immediately before he made the observation I have mentioned ; but I did not see Captain M'Knight touch Mr. Randolph.

JAMES THOMPSON,

*Lt. of Marines.*

*Sworn to on the 17th of January, Anno Domini 1800 before me—Chauncey Goodrich Chairman of a Committee of the House of Representatives of the United States.*

WILLIAM W. BURROW'S, Affidavit.

[No. 11.]

WILLIAM W. BURROW'S, do solemnly swear, on the Holy Evangelists of Almighty God, that I ordered Capt. James M'Knight to march on the 18th. Decr. last, with a detachment of marines, to guard some French prisoners to Frederick Town. in Maryland. On Thursday 9th. January, at 3 o'clock in the afternoon he arrived here after a fatiguing march ; and after reporting his arrival to me, he asked leave to go that evening to go see his family about 8 miles from the city, he accordingly went, and returned about 12 o'clock the next day, when he was immediately order-

ed to set on a court-martial, which did not break up until near 3 o'clock. He then went to his dinner, and as I have understood since from there to the Theatre.

*Philadelphia, January 18th. 1800.*

WILLIAM W. BURROW'S.

*Major Commandant of the  
Marine Corps.*

*Sworn to on the 18th. of January, A. D. 1800, before  
me Chauncey Goodrich, Chairman of a Committee of  
the House of Representatives of the United States.*

[No. 12.]

JONATHAN H. HURST'S Deposition.

JONATHAN H. HURST, of the city of Philadelphia maketh oath that on the evening of the 10th instant he was present at the Theatre, and for some time in a box, adjoining that in which was seated Mr. Randolph, member of the House of Representatives of the United States, from the State of Virginia. That he saw in the same box Captain M<sup>c</sup>Knight of the United States marine corps, standing immediately behind Mr. Randolph, that he heard the chief part of the conversation which passed between Captain M<sup>c</sup>Knight and several gentlemen who were near him during the performance of the opera or entertainment of Blue Beard. That he I. H. Hurst, looked frequently to that part of the box where Capt. M<sup>c</sup>Knight stood. That he did not see any violence offered to Mr. Randolph by Captain M<sup>c</sup>Knight, nor did he see Capt. M<sup>c</sup>Knight at any time croud, jostle, or touch Mr. Randolph, nor did he, the said I. H. Hurst, hear Capt. M<sup>c</sup>Knight utter any word or words insulting or disrespectful to Mr. Randolph. And he further saith, that Capt. M<sup>c</sup>Knight was not in uniform nor was he armed, nor was there any visible or audible interference on the part of any person near Mr. Randolph, to deter Capt. M<sup>c</sup>Knight or his acquaintance present, from any apprehended ill treatment to Mr. Randolph.

JONATHAN H. HURST.



*Question by the Committee.*

Did you hear Capt. M'Knight or Lieut. Reynolds use the expressions "Mercenaries, Raggamuffins," and in what manner?

*Ans.* I heard Capt. M'Knight ask of one of his acquaintance present, of whom I do not recollect, whether he thought that band, alluding to some of the performers in the farce then acting, as I understood it, could stand against our raggamuffins, alluding as I understood to the army of the United States. There was no pointed answer given as I recollect, and the question appeared to me to be a matter of common conversation, and tho' at first I was not sensible of its being intended for Mr. Kandolph yet looking upon him soon after I thought he smiled as if he had heard it.

*Question by Captain M'Knight.*

Did you in the course of the evening hear me or Lieut. Reynolds speak of Mr. Randolph or mention his name?

*Answer.* I heard some gentlemen in the box speak of Mr. Randolph as pointing him out to others, but I cannot say that this was to or by Capt. M'Knight or Lieut. Reynolds.

## JONATHAN H. HURST.

*The foregoing deposition was sworn to on the 18th day of January, Anno Domini, 1800.*

*Chauncey Goodrich, Chairman of a Committee of the House of Representatives of the United States.*

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[No. 13.]

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## GEORGE TAYLOR's Deposition.

SOME time during the performance on Friday evening the 10th inst. at the Theatre, I was called by Capt. M'Knight to inform me of the marriage of an officer who had been on a detachment under his command, and from which he had that day returned. After some time we were joined by other persons, when a general conversation took place respecting the raggamuffins on the stage. There were a number of comparisons made, but they were general, and no names

were mentioned. Of the persons in the box, with myself, there was but one in uniform, or with side arms. In a part of Blue Beard, interesting, as to scenery, the persons in the same box with me generally rose. I was on the right of Capt. Knight, and saw that those before him were taller than himself. It appears to me that he stepped on the seat before him to have a fair view of the scenery or stage. My attention was for an instant taken from the performance by hearing Capt. M<sup>c</sup>Knight say to some one, "sir, you are sitting on my feet"—that person rose, and made a slight inclination of his head. Capt. M<sup>c</sup>Knight resumed his former situation, as did the one before him. During the performance, had as far as I recollect, after what is above related, Lieut. Campbell Smith, from the door of the box, called me, and asked the name of an officer, then sitting in the box, the only one in uniform, except himself there present, to whom I had never been introduced, or to my knowledge seen before that night. From my knowledge of Mr. Smith I did not feel myself disposed to satisfy his mere curiosity, or mention a name I had heard accidentally and scarcely recollected; I therefore asked him if he had any reason, or particular object, for knowing it. His reply was, that he saw a great many strange faces in uniform, and wearing one himself, he wished to know the name of others who did. I then told him I would make him known to Capt. M<sup>c</sup>Knight, who would introduce him. Mr. Smith then used an expression which I considered as in no ways averse to the introduction of himself to Captain M<sup>c</sup>Knight, which was done in the lobby. After some slight common-place observations I saw no more of Lieut. Smith. I had accepted an invitation from Capt. M<sup>c</sup>Knight to go home with him after the performance of the theatre. We were anxious to get out before the croud from the upper part of the house would fill the lobby. To accomplish this we passed a number of persons, one of whom, not known to me, caught my left arm—I took it for granted it was to as-



sist himself, either to rise from the floor to the seat, or to prevent him from falling.

Captain M'Knight had hold of my right arm. The tug I received from the left, must have affected him, I think: at any rate, it separated us. I am inclined to believe Captain M'Knight put his hand on the shoulder of some person, and passed on. I did not overtake him until he was out of the box, when we, by his request, looked for some gentlemen to be of our party to his house, which we did there, and in the street, but could not find them.

GEORGE TAYLOR.

*Question by Captain M'Knight.*

During the performance of the Farce, were we not so near each other, and to Lieut. Reynolds, that if any violence had been offered by him or me to Mr. Randolph, you must have observed it?

*Answer.* I think I was near Captain M'Knight and Lieut. Reynolds the whole time, and must have observed any unusual conduct by them.

*Questions by the Committee.*

Did you, in the evening in question, either before you went to the theatre, there, or at any time afterwards, know of any intention on the part of Captain M'Knight or Lieut. Reynolds, to affront Mr. Randolph?

*Answer.* I did not.

*Question.* Did you observe Mr. Randolph at the time of your leaving the box, or hear any words from him respecting his being insulted?

*Answer.* I did not observe Mr. Randolph at that time, nor hear any words from him. Capt. M'Knight and I were going out of the box together, and I was separated from him by some person giving me a pull the arm with some violence; but we joined again soon after, in the lobby.

GEORGE TAYLOR.

Sworn to on the 18th day of January,  
Anno Domini, 1800, before me,  
CHAUNCEY GOODRICH, Chairman  
of the Committee of the House of  
Representatives of the United States.



M E S S A G E

FROM THE

*PRESIDENT of the UNITED STATES,*

ACCOMPANYING AN

A C C O U N T

OF THE

APPLICATION of GRANTS,

MADE BY

C O N G R E S S

FOR THE

CONTINGENT EXPENSES OF  
GOVERNMENT,


From the 1st of January, to 5th of December, 1799.

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20th January, 1800.

Ordered to lie on the table.

*[Published by order of the House of Representatives.]*





# M E S S A G E.

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*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives,*

I N obedience to Law, I transmit to Congress, my annual account of the contingent fund.

JOHN ADAMS.

*United States, }  
Jan. 20, 1800. }*

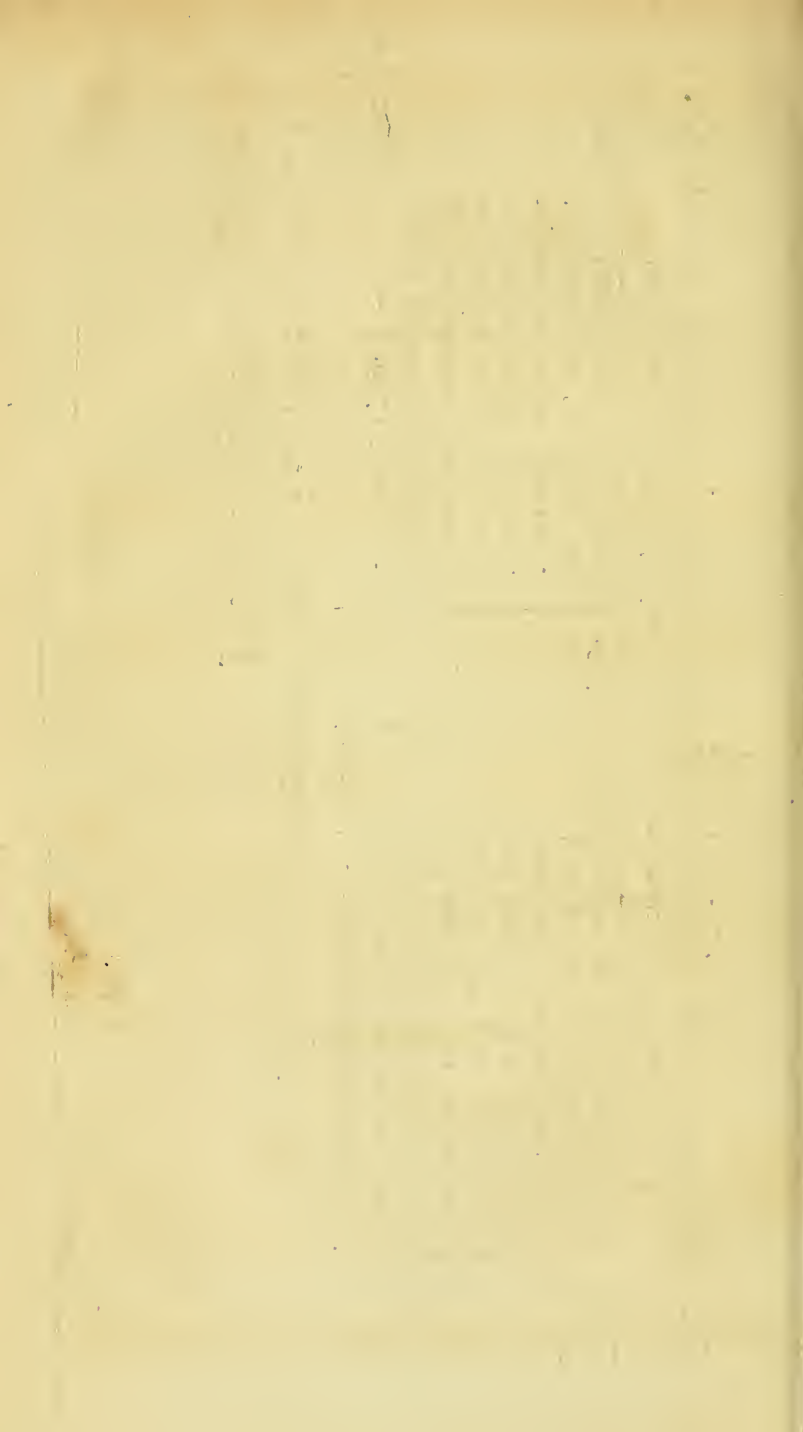


*Dr. Account of the Application of Grants made by Congress for the Cr.  
Contingent Charges of Government from 1<sup>st</sup> January 1799, to 31<sup>st</sup> Dec. following.*

1799, Dec. 31.	As there were not any expenditures on this account during this year, the total amount of the grant as per contra, remains this day unexpended. subject to the orders of the President of the United States, and will be accounted for in the next annual statement -	1799. By grant of twenty thousand dollars made by an act entitled "An act making appropriations for the support of government for the year one thousand seven hundred and ninety nine" passed on the 2d March, 1799. - -	Dollars.
	20,000		20,000

TREASURY DEPARTMENT, *Registers Office, 17th January, 1800.*

JOSEPH NOURSE, *Register.*







R E P O R T

FROM THE

COMMITTEE

OF

*REVISAL & UNFINISHED BUSINESS,*

TO WHOM WERE REFERRED THE

AMENDMENTS of the SENATE,

TO

THE BILL,


INTITULED "AN ACT TO PROVIDE FOR MITIGATING OR REMITTING THE FORFEITURES, PENALTIES AND DISABILITIES, ACCRUING IN CERTAIN CASES THEREIN MENTIONED."

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23d January, 1800.

Ordered to lie on the table.

[*Published by order of the House of Representatives*]







# R E P O R T.

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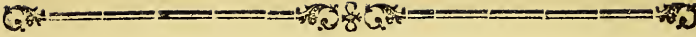
*The COMMITTEE of REVISAL and UNFINISHED BUSINESS, to whom was referred the amendments of the Senate, to the bill, to repeal part of "An act, intituled an act, to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned,"*

## REPORT—

THAT in the opinion of the Committee it would be proper for the House to disagree to the first amendment of the Senate, and to agree to the second amendment, with the following amendments—after the word "hereby" in the fifth line, insert the following words—"repealed and the residue of said act shall be, and the same is hereby"—after the word "time" in the sixth line, strike out the remainder of the Senate's amendment,

To disagree to the first part of the amendment of the Senate to the title of the bill, and to agree to the second part of the same amendment, so that the title may read—

"An act to repeal part of an act intituled an act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned, and to continue in force the residue of the same."



Congress of the United States,

IN SENATE, January the 17th, 1800.

THE bill sent from the House of Representatives for concurrence, entitled "An act to repeal part of an act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," was read the third time.

Resolved, that this bill pass with the following amendments.

Lines 2 and 3. Strike out these words "*fourth section of an.*"

Line 4. After the word "mentioned," strike out the remainder of the bill, and in lieu thereof insert "passed on the third day of March one thousand seven hundred and ninety seven, shall be and the same is hereby continued in full force without limitation of time; any thing in the fourth section of the said act to the contrary in any wise notwithstanding."

In the title of the bill. Strike out these words "*repeal part of an*" and insert in lieu thereof these words "continue in force the".

*Attest,*

SAM. A. OTIS, Secretary.



R E P O R T  
OF THE  
C O M M I T T E E

OF

COMMERCE & MANUFACTURES,

To whom was referred, on the 17th of December last,

THE

P E T I T I O N

OF

*Henry Stouffer, and Andrew Wallace.*

---

10th February, 1800.


Committed to a Committee of the whole House, on  
Wednesday next.

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[*Published by order of the House of Representatives.*]

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# R E P O R T.

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*The COMMITTEE of COMMERCE and MANUFACTURES,  
to whom was referred on the seventeenth of December last,  
the petition of Henry Stouffer and Andrew Wallace,*

## REPORT—

**T**HAT they have taken the same into consideration,  
and are of opinion that the prayer of the petition  
ought not to be granted.

*To the Honorable the Senate and House of Representatives  
of the United States of America, in Congress Assembled.*

The petition of Henry Stouffer and Andrew Wallace,  
Surviving Partners of Stouffer, Clofs and Wallace,  
citizens of the United States of America,

*Respectfully Sheweth;*

THAT under the act of Congress, entitled "An act further to protect the Commerce of the United States", a French armed ship called the Columbus, was captured on the high seas as prize by a private armed brigantine of the United States, specially commissioned, called Genius, commanded by Denbo Cable, and owned by Cadwallader R. Colden, a citizen of the United States of America.

That the said ship after having been so captured, was, in pursuance of instructions given by the Honorable the Secretary of State, to the said Denbo Cable, as commander of the said brigantine, taken into a British port in the Island of Tortola, to be libelled and tried.

That the said French ship was accordingly libelled in a British Court of Vice Admiralty, in the said Island of Tortola, and by the decree of the said court was condemned and ordered to be sold by the marshal thereof; as by a transcript of the proceedings of the said trial herewith exhibited will particularly appear.

Your petitioners further state, that at the sale of the said ship ordered as aforesaid, the aforementioned Cadwallader R. Colden became the purchaser thereof, and afterwards for, and in consideration of sum of twenty thousand two hundred dollars, current money of the United States, sold and delivered the said ship to your petitioner Andrew Wallace, who at that time happened to be in the said Island of Tortola, acting for and in behalf of the said firm of Stouffer, Clofs and Wallace.

Your petitioners further state, that relying with the most perfect confidence on the aforementioned pointed

instructions of the Secretary of State, they entertained not a doubt of the goodness of their title, to every intent and purpose, to the said ship acquired as aforesaid by the said purchase ; and they indulged the persuasion that a complete title to her as an American vessel would result from a *bona fide* purchase of her as a prize, captured under a law of Congress, and tried and condemned under, and in pursuance of instructions flowing from the department of the Secretary of State : but it was with no less distress than surprize, that upon the arrival of the said ship in the port of Baltimore, they were informed by the collector that a registry could not by the law of the land be procured for her as an American vessel.

Your petitioners were impressed with the opinion, that a French armed vessel, taken and condemned under the law of Congress, would necessarily be entitled to an American registry ; and from the explicit unequivocal instructions of the Honorable the Secretary of State, the mind of your petitioner Andrew Wallace, could not allow a doubt to suggest itself, that the law of Congress did not fully warrant the libelling, condemnation and sale of the said ship Columbus, as herein before set forth—It was under the fullest conviction that the said sale was made under the sanction and in pursuance of the laws of his own country that he became the purchaser ; and without such a conviction the idea of making such a purchase would not have occurred to him : however as your petitioners have unhappily and most injuriously been thus misled into this purchase, they submit to the justice and wisdom of Congress the propriety of passing a law enabling the collector of the district of Baltimore, to register said ship as a vessel of the United States, entitled to the benefits and privileges appertaining to such vessels.

HENRY STOUFFER,

*For self and for*

ANDREW WALLACE.

*Baltimore, December 12th, 1799.*

*At a Court of Vice Admiralty, held in the Road-Town, in the Island of Tortola, on Thursday the 13th day of June, 1799,*

PRESENT,

*The Worshipful James Robertson, Esq. Judge in the case of the Ship Columbus, whereof Louis Dupeyrat, was master and cargo taken by the private armed brigantine Genius, Denbo Cable, commander.*

(Signed)

JAMES ROBERTSON.

ON the motion of Mr. Dyer, one of the libellant's proctor, Proclamation was made as usual for all persons interested to appear previous to sentence. Mr. Forbes, one of the libellant's proctors, was then heard in support of the libel, the proofs and documents respecting this business were then read, and after considering thereof, his worship the judge, was pleased to declare that he considered the said ship and cargo as having belonged to the subjects of France, enemies to his majesty, and as such or otherwise liable to condemnation, and condemned the same accordingly; and ordered that the marshal of this court do forthwith sell and dispose of the said vessel and cargo, the court at the same time reserves to itself the right of appropriation of the said proceeds.

*I do certify the above to be a true copy,*

MARK D. FRENCH,  
*Deputy Register, in Admiralty.*

We do certify the within to be a true copy of the original  
JOHN IMLAY, jun.  
JAMES ADAMS.

*St. Thomas July 26th, 1799.*

*At a Court of Vice Admiralty, held in the Road-Town,  
in the Island of Tortola, on Monday the 24th day of  
June, 1799,*

PRESENT,

*The Worshipful James Robertson, Esq. Judge in the  
case of the ship Columbus, whereof Louis Dupeyrat was  
master, and cargo, condemned to the private American  
armed Brigantine of War, Genius, Denbo Cable, com-  
mander and Cadwallader R. Colden, owner.*

(Signed)

JAMES ROBERTSON.

ON the motion of Mr. Dyer, proctor for the libel-  
lnat, ordered that the nett proceeds of the sales of  
the said ship Columbus, her tackle, apparel, furniture,  
and cargo, condemned on Thursday the thirteenth day  
of June, instant, as good and lawful prize to the said  
American commissioned brig Genius, be after payment  
of the costs and expences of condemnation paid over to  
the captors, or their agent, to go and be divided be-  
tween the owner, officers and crew of the said brig Geni-  
us, as they may have agreed upon among themselves in  
that behalf, unless the laws of the United States of  
North America, in such cases may have otherwise di-  
rected, and if so then to go and be disposed of conform-  
able to such laws and no otherwise.

*By the Court,*

MARK D. FRENCH.

*Deputy Register.*

We do certify the within to be a true copy of the  
original.

JOHN IMLAY, jun.

JAMES ADAMS.

*St. Thomas, 26th July, 1799.*

*Virgin Islands, }  
Tortola.*

KNOW all Men by these Presents that I Cadwalla-  
der R. Colden of the city of New-York, in the  
United States of America, merchant, but at present in  
the said Island of Tortola, for and in consideration of



the sum of twenty thousand two hundred Spanish milled dollars, to me in hand paid by Andrew Wallace, of Baltimore, in the state of Maryland, one of the afore-said states of America, merchant, the receipt of which I do hereby acknowledge have granted, bargained and sold, and by these presents doth grant, bargain and sell unto the said Andrew Wallace, his executors, administrators and assigns, a certain ship called the Columbus, her tackle, apparel, and furniture, and the goods, wares and merchandize, laden on board of her (taken and brought in here as French property by the private American armed brig Genius, Denbo Cable, commander and legally condemned by a Court of Vice Admiralty, held for the said Islands) to the only proper use and behalf of the said Andrew Wallace, his executors, administrators, and assigns, and I the said Cadwallader R. Colden, for myself, my heirs, executors, and administrators, do hereby ratify and confirm the sale of the said ship Columbus, her tackle, apparel, and furniture, and the goods, wares and merchandize, laden on board her unto the said Andrew Wallace, his executors, administrators and assigns, by these presents.

In witness where of I have hereunto set my hand and seal this twenty fourth day of June, one thousand seven hundred and ninety-nine.

CADWALLADER R. COLDEN.

*Witness,* ANDREW M<sup>c</sup>KINZIE.

Received the day and year within written, of and from the within Andrew Wallace, the sum of twenty thousand two hundred dollars, being the full consideration money mentioned to be paid to me.

CADWALLADER R. COLDEN.

*Witness,* ANDREW M<sup>c</sup>KINZIE.

*Tortola, 21<sup>st</sup> of June, 1799.*

CADWALLADER R. COLDEN, *Esq.*

*Bought at Marshal Sale.*

<i>The French Ship Columbus, and her cargo, condemned at a Court of Vice Admiralty, for this Island, as per sentence of the Judge.</i>	}	Dollars.
		£ 20,200.

At the same time received from Cadwallader R. Col-  
den, Esq. the purchase money for the ship Columbus,  
and her cargo, the proceeds whereof, I have settled  
with the agent for the said prize ship Columbus, and  
her cargo.

WILLIAM BAGNELL,  
*Marshal in Admiralty.*

We do certify the annexed bills, sale and Receipts,  
are true copies from the original.

JOHN IMLAY, jun.  
JAMES ADAMS.

*St. Thomas, 26th of July, 1799.*

*Custom House, Tortola, June 27, 1799.*

THE ship Columbus with a cargo condemned at a  
court of vice admiralty, at Tortola, is at liberty to  
depart from this port with said cargo; his majesty's du-  
ties being here paid on such article on board subject to  
same by sundry acts of Parliament.

THOS. THOMASON, *Collr.*  
JOHN PASEA.  
M. MACNAMARRA, jun.

We do certify the foregoing to be a true copy of the  
original.

JOHN IMLAY, jun.  
JAMES ADAMS.

*St. Thomas, 26th July, 1799.*

I do hereby appoint Saml. S. Leffingweel to the com-  
mand of the ship Columbus mentioned within.

AND. WALLACE.

*Tortola, 27th June, 1799.*

To Captain  
 Commander of the private armed  
 called the

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## INSTRUCTIONS

*For the private armed vessels of the United States.*

1st. **I**N exercising the powers granted by the act of Congress, entitled "An act further to protect the commerce of the United States," passed the ninth day of July, 1798, and which is hereto annexed, the regulations therein prescribed are to be strictly attended to and observed.

2d. The powers of capturing and re-capturing, granted by the said act, being pointed solely and exclusively against French armed vessels, and those vessels, goods and effects of citizens of the United States, or of persons resident therein, which shall have been captured by the French, the rights of all other nations are to be duly respected; and they are not to be molested in their persons or property; consequently American vessels and property, captured by the commissioned vessels of such of those other nations as are at war, are not to be re-captured by the armed vessels of the United States. Nevertheless, any vessels found on the high seas may be examined in such manner as shall be necessary to ascertain, whether they are or are not armed French vessels, or "vessels the property of or employed by any citizen of the United States, or person resident therein, or having on board any goods or effects belonging to any such citizen, or resident," that have been captured by the French. But if they are of neither of these descriptions, they are to be dismissed, with as little delay as possible. And in making such examination, care is to be taken that no injury be done to the vessel or to the persons or property on board her. It peculiarly becomes a nation, like the American, contending for her just rights and defending herself against insults and injuries, to respect

the rights of others, and studiously to avoid not only the outrage and the inhumanity, but even the incivility of which itself complains. It is hoped that Americans will be as distinguished for their justice and humanity, as for their bravery and love of true liberty. If, on the contrary, any of the officers or crews of American armed vessels shall practise any cruelty or inhumanity, contrary to the usage of civilized nations, the offenders will be severely punished.

3d. For the purposes of the act aforesaid, you will consider the "high seas" to extend to low-water mark on all the coasts of France and her dominions, and of all places subject to her power, in any part of the world; and exercise accordingly the powers of capturing and re-capturing, granted by the act aforesaid. By the same rule, seeing a war exists between Great-Britain and France, you may capture and re-capture as aforesaid, on all the coasts of the British dominions, and of all places subject to the British power: but you are to refrain from exercising the aforesaid powers of capturing and re-capturing, in waters, which are under the protection of any other nations, that their peace and sovereignty may remain inviolated. If, however, any armed French vessel, regardless of the rights of these other nations, shall, within their jurisdictional limits, attack or capture any vessel, goods or effects, the property of citizens of or residents in the United States, and you are able to attack and take such armed French vessel, or to re-take her prize, within the jurisdictional limits of such nations, you are to do it; provided their governments respectively, or the commanders or governors in chief in such places, give their permission.

4th. The master or pilot, and one or more of the principal persons of the company of every armed French vessel, captured as aforesaid, are to be sent, as soon after the capture as may be, to the judge or judges of the proper court in the United States, to be examined upon oath, touching the interest or property



of the captured vessel and her lading; and at the same time are to be delivered to the judge or judges, all passes, charter-parties, bills of lading, invoices, letters and other documents and writings found on board; the said papers to be proved by the affidavit of the commander of the capturing vessel or some other person present at the capture, to be produced as they were received, without fraud, addition, subduction, or embezzlement.

5th. The commanders of American private armed ships are, by all convenient opportunities, to send to the secretary of the navy, written accounts of the captures they shall make, with the number and names of the captives, and intelligence of what may occur, or be discovered, concerning the designs of the French, and the destinations, motions and operations of their fleets, cruizers and armies.

6th. Where it can be done without injury or great inconvenience, the armed French vessels captured as aforesaid, are to be sent to some port in the United States, to be tried according to law. But such captures may happen in places remote from the United States, or under circumstances which would render the sending of the captured vessels thither extremely inconvenient; while, from the vicinity of the ports of the British dominions, or those of any other power in friendship with the United States, but at war with France, or from other circumstances, it would be easy to send such captured vessels into those friendly ports. In such cases, it will be lawful to send such prizes into those friendly ports, where they will find an asylum; and if the laws of those countries admit of it, and it can be done to the satisfaction of the captors, there will be no objection on the part of the American government to the libelling and trying such captured armed French vessels by the proper courts of those countries; where also may be delivered to the proper officers all French persons and others who shall be found acting on board of any French armed vessel which shall be captured, or



on board of any vessel of the United States which shall be re-captured as aforesaid.

7th. With respect to American vessels, goods and effects re-captured, it seems not necessary to bring them immediately into a port of the United States. If brought in, they are to be restored to the owners, on the payment of salvage. But such re-captured vessels, goods and effects may, at the time of re-capture, be so remote from the United States and so near a market, or the goods and effects may be of a nature so perishable, that to send such vessels, goods and effects back to the United States, may prove extremely injurious to the owners and re-captors: *Whereas*, if permitted to proceed to their destined ports or other places to a market, greater advantages may result to all concerned therein: and as either the master, mate or supercargo of any such re-captured vessel, is usually left on board, and with the aid of the prize-master and hands of the re-captors, which would be necessary to bring her home, might proceed and complete their original or other beneficial voyage: the commanders of the private armed vessels will, in such case, consider maturely the course most proper to be pursued, as well for the benefit of their fellow-citizens, whose property they shall thus re-capture, as of themselves, in respect to the salvage to which they and their crews and owners will be entitled. Nothing on this subject is enjoined; the commanders of the private armed vessels are to use their sound discretion.

8th. If any vessel of the United States, public or private, shall be found in distress, by being attacked or taken by the French, the commanders, officers and company of the private armed vessels aforesaid, are to use their utmost endeavours, to aid, succour, relieve and free every such vessel in distress.

## An Act

*Further to Protect the Commerce of the United States.*

SEC. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States shall be, and he is hereby authorized, to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize and take any armed French vessel which shall be found within the jurisdictional limits of the United States, or elsewhere on the high seas; and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against, and condemned as forfeited, and shall accrue and be distributed as by law is or shall be provided, respecting the captures which shall be made by the public armed vessels of the United States.

SEC. 2. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized to grant to the owners of private armed ships and vessels of the United States, who shall make application therefor, special commissions, in the form which he shall direct, and under the seal of the United States; and such private armed vessels, when duly commissioned as aforesaid, shall have the same licence and authority for the subduing, seizing and capturing any armed French vessel, and for the re-capture of the vessels, goods and effects of the people of the United States, as the public armed vessels of the United States may by law have; and shall be, in like manner, subject to such instructions as shall be ordered by the President of the United States, for the regulation of their conduct. And the commissions which shall be granted as aforesaid shall be revocable at the pleasure of the President of the United States.

SEC. 3. *Provided, and be it further enacted,* That every person intending to set forth and employ an armed vessel, and applying for a commission as aforesaid, shall produce in writing, the name, and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, the number of the crew, and the name of the commander, and the two officers next in rank, appointed for such vessel; which writing shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

SEC. 4. *And provided, and be it further enacted,* That before any commission as aforesaid shall be issued, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties not interested in such vessel, in the penal sum of seven thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of fourteen thousand dollars; with condition that the owners, and officers and crews, who shall be employed on board of such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them for the regulation of their conduct: and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof, by such vessel during her commission, and to deliver up the same when revoked by the President of the United States.

SEC. 5. *And be it further enacted,* That all armed French vessels, together with their apparel, guns and appurtenances, and any goods or effects which shall be found on board the same, being French property, and which shall be captured by any private armed vessel or vessels of the United States, duly commissioned as afore-

said, shall be forfeited, and shall accrue to the owners thereof, and the officers and crews by whom such captures shall be made; and on due condemnation had, shall be distributed according to any agreement which shall be between them; or in failure of such agreement, then by the discretion of the court before whom such condemnation shall be.

SEC. 6. *And be it further enacted*, That all vessels, goods and effects, the property of any citizen of the United States, or person resident therein, which shall be re-captured as aforesaid, shall be restored to the lawful owners, upon payment by them respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court of the United States, having maritime jurisdiction, according to the nature of each case: *Provided*, That such allowance shall not be less than one-eighth, or exceeding one-half of the full value of such re-capture, without any deduction. And such salvage shall be distributed to and among the owners, officers and crews, of the private armed vessel or vessels entitled thereto, according to any agreement which shall be between them; or in case of no agreement, then by the decree of the court who shall determine upon such salvage

SEC. 7. *And be it further enacted*, That before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such capture shall be brought into some port of the United States, and shall be libelled and proceeded against before the district court of the same district; and if after a due course of proceedings, such capture shall be decreed as forfeited, in the district court, or in the circuit court of the same district, in the case of any appeal duly allowed, the same shall be delivered to the owners and captors concerned therein, or shall be publicly sold by the marshal of the same court, as shall be finally decreed and ordered by the court: And the same



court, who shall have final jurisdiction of any libel or complaint of any capture as aforesaid, shall and may decree restitution, in whole or in part, when the capture and restraint shall have been made without just cause as aforesaid; and if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners, officers and crews of the private armed vessel or vessels by which such unjust capture shall have been made, and also such vessel or vessels shall be answerable and liable.

SEC. 8. *And be it further enacted*, That all French persons and others, who shall be found acting on board any French armed vessel, which shall be captured or on board of any vessel of the United States, which shall be re-captured as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal, or of some civil or military officer of the United States, or of any state in or near such port; who shall take charge for their safe keeping and support, at the expense of the United States.

*enacted into a law, July 9th, 1798.*

*By command of the President of the United States of America.*

SECRETARY OF STATE.



REPORT  
OF THE  
COMMITTEE

OF  
*COMMERCE & MANUFACTURES,*

TO WHOM WAS REFERRED THE  
*A M E N D M E N T S*

Proposed by the Senate, to the bill intituled "An act  
providing for Salvage in cases of re-capture."

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11th February, 1800.  
Committed to a Committee of the whole House, on  
Thursday next.

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*[Published by order of the House of Representatives.]*

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# R E P O R T.

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The COMMITTEE OF COMMERCE AND MANUFACTURES to whom was referred the amendment proposed by the Senate to a bill intituled “an act providing for salvage in cases of re-capture, recommend that the House do concur in that amendment with the following amendments.

## SECTION 1.

Line 1. Strike out “or goods” and insert “other than a vessel of war or privateer, or when any goods”.

Lines 4 and 5. Strike out “to the United States or”.

Lines 6 and 7. Strike out “the same not then being a public armed vessel or privateer”.

Lines 22 and 23. Strike out the words “after the capture” and insert “before such capture or afterwards”.

At the end of the Section add “or privateer”.

## SECTION 2.

Line 2. Strike out the word “armed”.

Same line. After the word “vessel” insert “or goods”.

Line 5. Strike out “been a public armed vessel or privateer”.

Line 6. Strike out “or to any citizen or citizens thereof”.


Line 11. Strike out the word “armed”.

Same line. Strike out the words “or privateer”.

Line 14. After the word “restored” strike out to the end of the section, and insert, “to the United States. And for and in lieu of salvage there shall be paid from the treasury of the United States pursuant to the final decree, which shall be made in such case by any court of the United

States, having competent jurisdiction thereof, to the parties who shall be thereby entitled to receive the same for the re-capture as aforesaid, of an unarmed vessel or any goods therein, one sixth part of the true value thereof, when made by a private vessel of the United States, and one twelfth part of such value when the re-capture shall be made by a public armed vessel of the United States. And for the recapture as aforesaid of a public armed vessel or any goods therein one moiety of the true value thereof, when made by a private vessel of the United States, and one fourth part of such value when such recapture shall be made by a public armed vessel of the United States.

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R E P O R T  
OF THE  
C O M M I T T E E

OF  
*COMMERCE & MANUFACTURES,*

Instructed on the 15th ultimo,

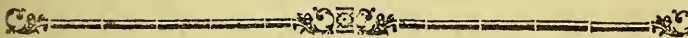
TO ENQUIRE AND REPORT IN WHAT MANNER,  
AND TO WHAT EFFECT THE ACT SUSPEND-  
ING COMMERCIAL INTERCOURSE WITH  
FRANCE, HAS BEEN EXECUTED.



14th February, 1800.

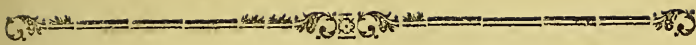
Committed to the Committee of the whole House, to  
whom is referred the Bill in addition to the act, inti-  
tuled "An act further to suspend the commercial  
intercourse between the United States, and France,  
and the dependencies thereof."

*[Published by order of the House of Representatives.]*






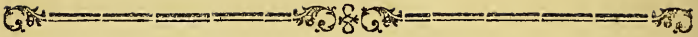




# R E P O R T.



**T**HE Committee of Commerce and Manufactures, beg leave to report, on the subject of the suspension of the commercial intercourse between the United States and France, that the laws which have been enacted for that purpose have been, as far as appears to the Committee, faithfully executed in all respects depending on the care of the officers of the United States. It is but too probable however that individuals, engaged in pursuit of private commercial advantages, and regardless of the public welfare, have evaded in many instances the provisions of those laws. Some observations from the Secretary of the Treasury, relative to these practices, and a detail of the cases, which under the sixth section of the last act of Congress, prohibiting commercial intercourse with France, have been transmitted to that department are herewith submitted. The Committee being of opinion, that it is expedient further to suspend all commercial intercourse, between the United States and France, have prepared a bill for that purpose which is also submitted, and in the opinion of the Committee ought to be enacted without delay.



## TREASURY-DEPARTMENT,

January 23d, 1800.

S I R,

I HAVE the honor to enclose a statement of all the cases which have been transmitted to this department for decision pursuant to the act of Congress passed on the 9th of February, 1799, entitled "An act further to suspend the commercial intercourse between the United States, and France, and the dependencies thereof."

Although this statement contains the substance of the informations desired by the Committee, and particularly in what manner the power granted by the sixth section of the act has been exercised, yet it may be useful to observe, that the law of Congress passed on the 13th of June, 1798, which imposed the first restrictions on commercial intercourse with France, was by this department understood to declare the following principles, by which the conduct of the collectors of the customs has accordingly been governed.

1st. That all exports to France or her dependencies were prohibited after the first day of July 1798, except the goods and effects of Frenchmen residing in the United States, and about to depart in vessels with permits from the President of the United States.

2d. That the entry of vessels *bona fide* the property of citizens of the United States, or employed by them, and having on board property of such citizens only, was lawful until the first day of December 1798, and no longer.

Although the true interpretation of the law cannot be considered as finally settled by judicial decisions;—yet as diversities of opinion are known to exist, it is desirable that the sense of the Legislature may be ascertained upon the following points, in case the restrictions upon commerce with France, shall be continued after the third day of March ensuing.

1st. Whether the restrictions shall extend to any, except French and American vessels?

2d. Whether trade through a neutral country, by means of a *mutual agent* of persons residing in the dominions of France and the United States, shall be lawful?

3d. Whether cartel vessels, with passports of the President of the United States, authorizing the departure of French citizens and their effects, shall be exempted from the restrictions imposed on other vessels?

4th. Whether vessels which may be *captured* or driven by *distress* into French ports, the cargoes of which may be seized or detained by the French government shall be allowed to receive, merchandize or produce in exchange, or compensation for the cargoes so seized or detained.

The following practices have been discovered and may be expected to increase, in case the law shall not provide a competent remedy.

1st. American citizens have proceeded to the Island of St. Thomas, and have there obtained certificates of naturalization for themselves and their vessels;—with such vessels a direct trade between the United States and French ports, has been attempted to be prosecuted in the same manner as before the law was passed.

2d. Agents for commercial houses have been established in the Island of St. Thomas, and other neutral places, to whom the productions of the United States, have been consigned—these productions have been shipped from thence in other American vessels for French ports—The vessels employed between the neutral French ports, have been generally covered as Danish property.

3d. Although vessels which have been employed in transporting French citizens and their property, from the United States, have been carefully restricted by instructions, and by the Custom-House inspection, from transporting merchandize on account of persons resident in the United States, yet there is reason to suspect that the intentions of the government have in some instances been evaded.—In case it shall be deemed rea-

sonable to continue the provision for removing French citizens and their property—precise regulations for preventing the vessels from being employed in commerce will be highly necessary.

4th. Vessels have been carried to the vicinity of French ports, where as is believed, they have been *captured* by French Privateers, in consequence of preconcerted arrangements;—other vessels have entered French ports, on *pretence of distress*.—Although the *vessels* have in many instances been liberated yet the *cargoes*, have been detained by order of government; In some cases, the masters or owners have been *permitted* to purchase return cargoes—latterly to strengthen the plea for being admitted to entry in the United States, it has been represented that the masters, have been *compelled to receive cargoes on board their vessels*.

The cases of vessels which have been reported as having been captured by Privateers or driven into French ports, in distress have been attended with particular difficulty—In some instances the representations have doubtless been fair and correct; but in others they have unquestionably been collusive and fraudulent—the protests and other papers usually produced by masters of vessels could not however furnish the means of a just discrimination.

No effectual remedy is perceived against an abuse which must continue to increase, but by declaring importations from French ports to be unlawful in all cases whatever, without excepting those of vessels really captured or driven into French ports in distress—The capture or arrival in distress may be *involuntary* and therefore not *illegal*—but the purchase of a new cargo or any purchase whatever *except of necessaries to enable the captured persons to return to their own country*, ought as is believed to be declared *unlawful*.

It may be said that such a regulation would be odious and severe;—that it would be cruel to oblige men to suffer unnecessary losses, or to abandon their property to great risks, when an equivalent was offered.—Admitting these objections to have some force, yet it may be



observed with equal truth,—that the act prohibiting commercial intercourse, ought to be considered in connection with other measures, as constituting a part of the system of resistance, adopted by the United States—that prior to the adoption of this system, our vessels were captured and condemned indiscriminately;—that the suspension of commerce is a measure, which if well executed, must powerfully influence the conduct of the French colonies;—that no system of resistance can be executed without exposing our citizens to some losses; that it is impossible to distinguish cases of real capture or distress, from those which are fictitious—that many of our citizens, will not make reasonable efforts to avoid being captured or entering French ports, if they find themselves exempted from every loss and inconvenience;—that the plea of *forcible exchange* cannot be admitted without permitting the French Government virtually to repeal our laws, by means of their own internal regulations; and that if the United States refuse to submit to an insidious policy, and some of our citizens suffer losses, it is against the French and not the American Government that their complaints ought to be directed.

I have the honour to be,

With great respect,

S I R,

Your most obedient servant,

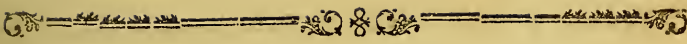
OLIVER WOLCOTT.

*The Honorable Samuel Smith, Esq.*  
*Chairman of the Committee*  
*of Commerce and Manufactures.*

}



not u 13



R E P O R T,

OF THE

*Committee of Claims,*

TO WHOM WAS REFERRED ON THE 21<sup>st</sup> ULTIMO, THE

P E T I T I O N

OF THE

C O R P O R A T I O N

OF

*RHODE-ISLAND COLLEGE.*

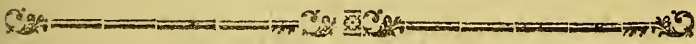
Together with the former REPORTS thereon.

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17th February, 1800,

Committed to a Committee of the whole House, on  
Wednesday next.

[*Published by order of the House of Representatives*]



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# R E P O R T.

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*The Committee of Claims, to whom was referred the Petition of the Corporation of Rhode-Island College, together with the former Reports thereon, having examined and considered the same, respectfully submit as their*

## OPINION—

**T**HAT it would be proper and expedient for the House to agree to the Resolution contained in the former Report of the Committee of Claims, on this subject, which is hereunto subjoined.

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*The Committee of Claims, to whom were referred the Petition of the Corporation of Rhode-Island College, and a Report of the Secretary of the Treasury thereon,*

## REPORT—

**T**HAT having attended to the said business, they are convinced the report of the Secretary of the Treasury, on this subject, is well founded; they therefore ask leave to report the same, and to subjoin, for the consideration of the House, the following resolution, viz.

*Resolved,* That the accounting officers of the Treasury liquidate and settle the claims of the corporation of Rhode-Island college, for compensation for the use and occupation of the edifice of the said college; and for in-

juries done to the same, from the 10th December, 1776, to the 20th April, 1780, by the troops of the United States; and the sum which may be found due to the said corporation, for damages done to, and occupation of the said edifice, as aforesaid, be paid them out of any monies unappropriated in the Treasury.

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*The Secretary of the Treasury, to whom was referred the Petition of the Corporation of Rhode-Island College, respectfully makes thereupon, the following*

### REPORT—

THE said petition seeks indemnification for injuries done to, and compensation for the occupation of the edifice of the college of Rhode-Island, from the 10th of December, 1776, to the 10th April, 1780, by the troops of the United States; and from the 20th of June, 1780, to the 27th of May, 1782, by the troops of France, co-operating in the defence of the United States;—in the first instance as a barrack, in the second, as a military hospital.

The principle of this claim is the same with that of the corporation of trustees of the public grammar school and academy of Wilmington, in Delaware, which was provided for by an act of Congress, of the 13th of April, 1792. The facts appear by the accompanying documents to be substantiated, and there is no trace of any compensation having been heretofore made.

It is the opinion of the Secretary, as expressed on former occasions, that in this, and all similar cases, affecting the interests of literature, indemnification and compensation ought to be made. He therefore submits it as expedient, in this case, to make provision similar to that which was made in the case above quoted. It will be the duty of the accounting officers of the Treasury, among other things, to investigate care-



fully, whether compensation in whole, or in part, has or has not been heretofore made; and to adjust the claim accordingly.

*All which is respectfully submitted.*

ALEXANDER HAMILTON,

*Secretary of the Treasury.*

TREASURY-DEPARTMENT,

*January 31st, 1795.*

14.

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R E P O R T,  
I N P A R T,

OF THE  
C O M M I T T E E

Appointed on the 24th of December last,

TO ENQUIRE WHETHER ANY, AND IF ANY,  
WHAT ALTERATIONS ARE NECESSARY IN THE  
LAWS AUTHORIZING THE SALE OF THE  
*LANDS OF THE UNITED STATES,*

NORTH-WEST OF THE OHIO.

---

18th February, 1800,

Committed to a Committee of the whole House, on  
Thursday next.

*[Published by order of the House of Representatives]*

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# R E P O R T.

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*The committee appointed to enquire whether any, and if any, what alterations are necessary in the laws, providing for the sale of the lands of the United States north-west of the Ohio, and to whom were referred a number of petitions from inhabitants of the north-western territory on the same subject,*

## REPORT—

**T**HAT, in their opinion it is probable that a considerable proportion of the lands of the United States may be sold, provided that the land be offered for sale in smaller tracts, the terms of payment to a certain degree extended, and the condition of absolute forfeiture, in case of failure of payment modified. The great emigration to the unappropriated lands of the Union, amounting already, as it is said, to more than three thousand families, and daily increasing, points out the necessity of early modifications that may enable those emigrants to become purchasers, and the probability of great gradual sales, in small tracts. In support of their opinion the committee will add, that, by the official statement laid before the house, it appears that although one half of the unfold township in the seven first ranges, was respectively offered for sale, in quarter townships in the city of Philadelphia, only one quarter township, has been sold at the rate of two dollars per acre. Of that part which was offered for sale, only once in Pittsburgh, in tracts of 640 acres, were sold at the rate of \_\_\_\_\_ per acre. The committee are further of opinion, that a number of

tracts may be sold for a higher price than two dollars per acre, and hence they conceive it necessary, that all the lands should be offered at first for sale, at public sale, and they think that the provision suggested by a number of the petitioners, that those sales should take place in the respective neighbourhoods of the different bodies of lands, will be more convenient to the purchasers and have a tendency to obtain a higher price for the lands. But the mode of selling the lands by public sales is, on account of the previous notice necessary to be given, so inconvenient, if at all practicable as a permanent measure, that after the lands shall have been once exposed for sale, it will be proper to open under proper regulations, land offices for the purpose of selling, to any person or persons, desirous of purchasing at the rate fixed by law, any quantity of lands actually surveyed that shall not have been sold at public sale.

In conformity to those ideas, the Committee submit to the House the following resolutions as the proper alterations to the present law providing for the sale of lands North-West of the Ohio, viz.

*Resolved*, That all the townships directed to be sold, either in quarter townships, or in tracts of one mile square by the act, "Providing for the sale of the lands of the United States, in the territory North-West, of the river Ohio, and above the mouth of Kentucky river," shall be subdivided into half sections containing as nearly as may be 320 acres each; the additional expense of surveying to be paid by the purchaser at the rate of \_\_\_\_\_ dollars per tract.

*Resolved*, That all the said lands shall be offered for sale, at public sale in tracts of 320 acres as above directed, *Provided*, that the same shall not be sold under the price of two dollars per acre, and that the sale shall be at the following places, *to wit*:

All the lands contained in the seven first ranges of townships, and North of the same, shall be offered for sale at Pittsburgh.



All the lands contained in the eight next ranges of townships shall be offered for sale at Marietta.

All the lands lying West of the fifteen first ranges of townships, and East of the Scioto river shall be offered for sale at Chillicothe.

And all the lands lying below the great Miami shall be offered for sale at Cincinnati.

*Resolved*, That one or more land offices shall be opened in the North-Western Territory, and that every person be permitted to locate, and purchase at the rate of two dollars per acre, one or more of the half sections, that shall not have been sold at public sale.

*Resolved*, That the payments for lands, purchased either at public, or private sale may be made as heretofore in public securities, and shall be made in the following manner, and under the following conditions viz.

1st. At the time of purchase, every purchaser shall deposit one twentieth part of the amount of purchase money to be forfeited if within three months one fourth of the purchase money including the said twentieth part is not paid.

2d. One fourth of the purchase money to be paid as aforesaid within three months, and the other three fourths in three equal payments, within two, three and four years respectively after the date of the purchase.

3d. No interest to be charged in case of punctual payment; but interest at the rate of six per cent a year, to be charged from the date of purchase, on any part of the purchase money which shall not have been paid at the times respectively, when the same shall have become due.

4th. A discount of the rate of eight per cent a year, to be allowed on any of the three last payments, which shall be paid before the same shall become due.

5th. If any tract shall not be completely paid for, within one year, after the date of the last payment, the tract to be sold in such manner as shall be provided by law, and after paying the balance due to the United States, including interest, the surplus, if any, to be returned to the original purchaser.









R E P O R T,  
I N P A R T,

OF THE

C O M M I T T E E

To whom were referred on the 13th ultimo,

A P E T I T I O N

OF

C A T O W E S T,

AND OTHERS,

IN BEHALF OF THEMSELVES AND THE OTHER INHABITANTS OF THE

MISSISSIPPI TERRITORY.

---

18th February, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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*[Published by order of the House of Representatives.]*

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# REPORT.



*The committee to whom was referred the petition of Cato West and others, stiling themselves "a committee regularly chosen by the inhabitants of the Mississippi territory, for the purpose of petitioning for a redress of grievances," submit in part, the following,*

## REPORT,—

THE petitioners state, that from the vast interval which separates the territory from the seat of the general government, a knowledge of their interest and wishes being difficult to be ascertained, impartial and inaccurate statements were too apt to acquire credit, and that of this stamp were the representations which had been made, in the name of the people, soliciting a *government* similar to the *one*, which had been established in the territory north-west of the river Ohio.

That the government which congress, had enacted for the Mississippi territory, was bad in theory, and still worse in practice; that executive, legislative and judicial authorities, so carefully separated and limited by the constitutions of the elder states, are here mingled together in the hands of three or four individuals, who have but a partial interest in common with the people; and further, that the immense power thus conceded, had neither been exercised with liberality or beneficence, and that in some instances, the provisions of the ordinance, had been unattended to, and the constitution of the United States violated.

To remedy these inconveniences, and to extend the fundamental principles of civil liberty, the petitioners

solicit an amelioration of their present political system, and that congress will enact, that the ordinance of one thousand seven hundred and eighty seven, may immediately operate in its second grade in the *Mississippi territory*, meaning that the people thereof may be allowed a legislative assembly.

Upon mature consideration of the premises, the committee are of opinion, that an amelioration of the of the present existing government is dictated by justice and policy.

That the political maxim so generally practised upon in the United States, "that the citizen should have a voice by himself, or his representative, in the framing of laws, and imposing of taxes," ought to be extended to the Mississippi territory.

The committee find, that by an act of congress, passed on the seventh of April, one thousand seven hundred and ninety eight, intituled "an act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory," the boundaries of the said territory, were defined, and the President of the United States authorized to establish therein, a government in all respects similar to that now exercised in the territory, north west of the river Ohio, excepting and excluding the last article of the ordinance made for the government thereof by the late congress on the thirteenth of July one thousand seven hundred and eighty seven.

That the President soon after the passage of the act aforesaid, by and with the advice and consent of the Senate of the United States appointed a Governor, Secretary and three Judges for the Mississippi district, who have entered upon the duties of their respective offices, and proceeded to the organization of the government.

That in the ordinance referred to, in the before-mentioned act of Congress, the committee find the following provisions:

*Be it ordained by the authority aforesaid,* That there shall be appointed from time to time, by Congress, a

Governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress a Secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office, it shall be his duty to keep and preserve the acts and laws passed by the legislature and the public records of the district, and the proceedings of the Governor in his executive department, and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress. There shall also be appointed a court to consist of three Judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.—The Governor and Judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary and best suited, to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district, until the organization of the General Assembly therein, unless disapproved of by Congress, but afterwards the legislature shall have authority to alter them, as they shall think fit.—The Governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress, previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the

same: after the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly: but all magistrates and other civil officers not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the Governor.—For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed from time to time as circumstances may require, to lay out the parts of the district, in which the Indian titles shall have been extinguished, into counties and townships, subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly, provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation encrease, until the number of representatives shall amount to twenty five; after which the number and proportion of representatives shall be regulated by the legislature: *Provided*, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: *Provided also*, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district or the like freehold, and two years resi-



dence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years and in case of the death of a representative, or removal from office the Governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly or legislature, shall consist of the Governor, legislative council, and a House of Representatives.—The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum, and the members of the council, shall be nominated and appointed in the following manner, *to wit*;—As soon as representatives shall be elected, the Governor shall appoint a time and place, for them to meet together, and when met, they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint, and commission to serve as aforesaid, and whenever a vacancy shall happen in the council, by death or removal from office the House of Representatives shall nominate two persons, qualified as aforesaid for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term.—And every five years, four months at least, before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed.—And the Governor, legislative council and House of Representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared.—And all bills having passed by a majority in the house, and by a majority in the

council, shall be referred to the Governor for his assent, but no bill or legislative act whatever, shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

The committee further report, that they have not been enabled to ascertain with certainty, the number of citizens residing within the limits of the Mississippi district, but there are supposed to be about six thousand free people of all descriptions; that the free male inhabitants of full age, not being sufficient in number (under the ordinance) to authorize a General Assembly, the legislative authority (subject to certain prescribed restrictions) is at this time vested in, and exercised by the Governor and judges.

A legislative assembly organized upon the plan contemplated by the ordinance, when the number of free male inhabitants of full age, amounted to five thousand would it is presumed, remove the principal cause of uneasiness, and be promotive of the general good.

For information as to the extent of population in the Mississippi territory, the quality, quantity and value of the exports, the wishes of the people for a change of government, and their supposed ability to meet the expense incident to a General Assembly, the committee beg leave to refer the house, to two letters from Mr. N. Hunter, hereto subjoined [No. 1. & 2.] the petitioners prayed, that Mr. Hunter might be accredited as their agent, and viewed as a character in whom entire confidence may be placed.

From a desire to attach the citizens of the Mississippi territory permanently to the United States, to promote their political welfare and happiness, and to extend to them more ample security against political oppression, the committee submit the following resolution.

1st. *Resolved*, That so much of the ordinance for the government, of the territory of the United States, north-west of the river Ohio, as relates to the organization of a General Assembly therein, and prescribes the powers thereof, shall forthwith operate, and be in

force in the Mississippi territory : provided that until the number of free male inhabitants of full age, in the said territory, shall amount to five thousand, there shall not be returned to the General Assembly, more than nine representatives.

2nd. *Resolved*, That until the number of free male inhabitants of full age, in the Mississippi territory, shall amount to five thousand, the county of Adams shall be entitled to chuse five representatives to the General Assembly, and the county of Pickering four.

3rd. *Resolved*, That the first election for representatives to the General Assembly, shall be on the  
 day of                      and that all subsequent elections, shall be regulated by the legislature.

4th. *Resolved*, That it shall be the duty of the Governor of the Mississippi territory, to cause the said election, to be holden on the day aforesaid, at the most convenient place in the counties aforesaid, and to nominate a proper officer or officers to preside at, and conduct the same, and to return to him the names of the persons, who may have been duly elected.

5th. *Resolved*, That the representatives shall be convened by the Governor on the                      day of                      .

6th. *Resolved*, That so soon as the number of free male inhabitants, of full age, shall amount to, or exceed five thousand, the number of representatives to the General Assembly, shall be determined, and the apportionment made in the way prescribed in the ordinance.

(No 1.)

*Philadelphia, February 4th, 1800.*

DEAR SIR,

**I**N your communication of the 26th of January, you enquire,

1st. "By what authority were Cato West and others, chosen a Committee—If by the people, at what period, in what manner, and for what purpose."

A meeting was held by a number of the principal inhabitants, on the 6th day of July last, in order to confer upon the unhappy situation of the country, and if possible to devise a remedy—The result of this meeting was a circular letter drawn up by the conference, recommending to the several districts the scheme of a Committee, which was to meet with written instructions from their constituents, in order to inform the governor of the true situation of the country, and petition for a redress of grievance. I have a copy of the circular letter, and the letters of instructions from the several districts.

2d. You enquire "what is the aggregate number of the free inhabitants of the Mississippi Territory, what proportion are natives of the United States, and what the number of our militia."

Our governor has never taken a census of the people nor has he been able to organise the militia, so that we are much at a loss with respect to our numbers; I think however that we cannot have less than six thousand free inhabitants, and about two thousand capable of bearing arms; our people are mostly natives of the United States; there is not perhaps one tenth of any other description.

3d. You enquire "whether the emigration to the Territory is great, and whether any of the citizens have lately removed to the Spanish Dominions, and if any, what seems to have been the inducements."

The emigration to our country is at this time extremely limited, the impossibility of procuring lands by any other way than by purchase from individuals, and the facility with which lands are required in the Spanish Dominions, forms an insuperable bar to the increase of



our population ; though men of property who have lately descended the river, seem rather inclined to sacrifice a part of their property in the purchase of lands whereon to settle, than to avail themselves of the easy terms offered by the Spanish government, but the poorer classes are impelled to go below.

An alarming depopulation took place last winter under the patronage of Doctor White ; we could never learn the exact number of families, but they were sufficiently numerous to form a considerable settlement below the line of which Doctor White is commandant. A number of the inhabitants have been selling out this summer, and preparing to remove below at the end of the year. Various circumstances may have combined in producing this direliction, but we do not hesitate to say that the morose, arbitrary contumacy of Governor Sargent, are among the primary causes.

4th. You would know “the particular culture which occupies the attention of the planter of the Mississippi Territory, what are our articles of exportation, and what the supposed quantity and value”

Cotton is at present the staple of the Territory, and is cultivated with singular advantage to the planter.

We get  $\frac{1}{4}$  of a dollar per lb. for clean cotton, and an active planter will make from five to eight hundred pounds wt. to a hand : and as I conceive we have as many black as white inhabitants, we cannot make much less than three million of pounds of merchantable cotton, equal to 750,000 dollars.

We are able to raise, at a small expense, great quantities of pork ; but the price for three or four years past, has not been more than 3 1-2 dollars, consequently little has been raised. Our soil and climate seems peculiarly adapted to the growth of Indigo, as well as cotton ; and the sugar cane thrives well in the lower part of the Territory.

I am, Dear Sir,

With great Esteem, Yours,

N. HUNTER.

*Agent, Mississippi Territory.*



*February 8, 1800.*

DEAR SIR,

I RECEIVED your obliging note of the 3d instant, and while you have my sincere and hearty thanks for your vigilance and attention to the business of the Natches, I shall make every exertion in my power to elucidate such parts of our petition and documents as may appear vague or ambiguous.

The estimate annexed to the petition of Cato West and others, (mentioned in your note) is not "the amount of the tax laid on the county of Adams by a law of the territory", but it appears to be the sum which the Governor thought necessary to be raised in that county, for the service of the last year; and it was sent by him to the first court of general quarter sessions, in order to receive the sanction of that court. This would give it immediate currency, and necessarily operate in aid of his future projects of taxation.

But such a manifest prodigality of the public resources appeared upon the face of it—together with so marked an opposition to the public opinion, with regard to the place whereon the public buildings were to be erected, that it received the immediate disapprobation of the court; and I believe a similar instrument was never presented to the county of Pickering.

I would here beg leave to call your attention to the first address of the committee, to Governor Sargent, of the 26th of August. It is there stated that he had adopted and pursued improper measures; that he had given an exclusive confidence to a party; that his measures were calculated to give confidence to the influence of faction, and to suffocate the germ of public virtue in the upright citizen. He was also told that most of the perplexities which had embarrassed him in his administration, had undoubtedly flowed from this source: but anxious for a general accommodation, and animated with a hope of inspiring a system of measures

capable of embracing that object, the committee was ready to admit, that the Governor had been surpris'd into those measures by partial or designing statements. To this address, however, the Governor avoided to return an answer; for the fact is, the charges were too true to be denied, and his conduct too improper to be justified.

I must also solicit the attention of the Committee of the House of Representatives, to the address of Cato West and others, to the Governor and Judges, upon the subject of the laws, and the answer to that address. The committee charges the legislature, of making laws in express contradiction to the letter of the ordinance of 87, which authorises them only to adopt laws already made in the original states. The Governor and Judges in their answer confess, that they have made laws which have not been derived from any one of the state codes; but they say they have been in favor of the citizen by lessening fines and penalties. But the committee in their reply to that answer, which concludes their correspondence, asserts that the lessening of fines and penalties was not the object of their legislative efforts; and the code of laws, which it is presumed has by this time been transmitted to Colonel Pickering's office, will I am fully persuaded justify the assertion.

At the time of my departure from the territory, the discontents of the people were great indeed, the whole country was influenced by an idea, that the ordinance for our government, had been wantonly abused, and the constitution of the United States as wantonly violated, at a time and under the circumstances, which required no such sacrifice.

But the Governor's appointments, civil and military, as they stand at present, has been a more abundant source of discontent, than any that has arisen under his administration. All the principal officers that possessed the confidence of the people, have uniformly resigned their appointments, and it will be impossible that the Governor can ever be able to organize the militia,

notwithstanding his extraordinary fines, in order to force his appointments upon the people.

Can it be possible that an administration, which from its earliest operations, have proved so repugnant to the public will, and so fatal to the happiness of society, can ever be able to restore harmony, attach public confidence, and promote the general good. The thing is impossible.

There is yet another source of uneasiness, excited by the conduct of our Governor, which I feel it a duty incumbent on me to suggest to the committee of the House of Representatives. He has heretofore been in the habit of exacting and receiving fees for passports, granted to citizens travelling from the territory, to the United States, and also for tavern and marriage licences. It is believed that his perquisites in these instances, have not been inconsiderable, and if the practice were forbidden by a law of Congress, it is presumed that the burthens of the people would be somewhat lessened, and a great incentive to abuse entirely removed.

My state of health will now admit of my personal attendance on the committee of the House of Representatives, and I shall take much pleasure in making such further explanation as may be desired.

The people of the Mississippi territory, are extremely anxious for a legislative assembly, and there is no doubt existing in my mind, as to the entire competency of their resources.

The power of making laws, through their immediate representatives, in whom they have a confidence, and who have a common interest with themselves, is a privilege which cannot but be grateful to every American, and produce the best effects in that country.

I am, dear sir, with all possible esteem,

Your very humble servant,

N. HUNTER,

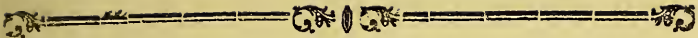
*Agent, Mississippi Territory.*

*The Hon. W. C. C. CLAIBORNE, }  
Chairman Mississippi Committee. }*









REPORT,  
 FO THE  
 COMMITTEE  
 APPOINTED

TO ENQUIRE WHETHER ANY, AND IF ANY, WHAT  
 ALTERATIONS ARE NECESSARY IN THE LAWS  
 PROVIDING FOR THE SALE OF THE

Lands of the United States,  
 NORT-WEST OF THE OHIO.

19th February, 1800.

Committed to a Committee of the whole House,  
 to-morrow.

*[Published by order of the House of Representatives.]*





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# R E P O R T.

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*The committee appointed to enquire whether any, and if any, what alterations are necessary in the laws providing for the sale of the lands of the United States, north-west of the Ohio.*

## REPORT,—

**T**HAT upon enquiring into the situation of the salt springs and licks, the property of the United States, they have been informed from respectable authorities, that those on the west side of the Scioto on the east of the Muskingum, and one or two near the great Miami, are now in the occupancy of a number of persons who are engaged in the making of salt to a very considerable extent; and that these persons by a destructive waste of the timber in the neighbourhood of the springs, are daily diminishing their value. The committee therefore think it adviseable that measures should be immediately taken to secure to the United States the benefits arising from these springs, and therefore submit to the House the following resolution.

*Resolved,* That all the salt springs and licks, the property of the United States, in the territory north-west of the Ohio, ought to be leased for a term of not less than  
nor more than  
years





R E P O R T,

OF THE

*Committee of Claims,*

To whom was referred, on the 13th instant,

THE

P E T I T I O N

OF

MOSES GILL.

---

19th February, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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*[Published by order of the House of Representatives.]*

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1850

THE

REPORT

OF THE

COMMISSIONERS OF THE

LAND OFFICE

AND

MINES

FOR THE YEAR 1850

WASHINGTON: 1851

Printed by Gales & Seaton, No. 379 Pennsylvania Avenue



# R E P O R T.

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*The COMMITTEE of CLAIMS, to whom was referred  
the petition of Moses Gill, Esq.*

RÉPORT,—

**T**HAT he seeks to obtain the payment of eight thousand four hundred dollars, principal of Loan Office certificates, issued by the state of Georgia. These certificates were presented for payment at the treasury in due season pursuant to the act passed on the 12th day of February, 1793, intituled "An act relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted." The same certificates, not being admitted at the Treasury as valid claims against the United States, were mentioned in the report made by the Secretary of the Treasury, on the 23d day of December, 1799, and are a part of the claims constituting the 6th class of the claims presented and registered at the Auditor's Office, pursuant to the aforesaid act.

Extracts from the report last mentioned together with a copy of the said sixth class of claims registered as aforesaid and a report of the Secretary of the Treasury, on a similar petition of William Smith, of Baltimore town, are hereunto subjoined, to which the Committee ask leave to refer and request that the same may be received and considered as a part of this report: at the same time they submit as their opinion that it would not be expedient for the United States to assume the payment of the certificates beforementioned, and therefore that the prayer of the petition cannot be granted.

*The Secretary of the Treasury, to whom was referred the petition of William Smith, of Baltimore town, in the state of Maryland, respectfully submits the following*

REPORT,—

THE resolutions of the United States in Congress assembled, which respect the issuing of the certificates, commonly called Loan Office certificates, make it necessary, that they should be previously countersigned by certain officers denominated commissioners of loans, who were to be appointed under the authority of the particular states.

After diligent enquiry within the state of Georgia no evidence has been obtained either of the appointment of E. Davis, (the person by whom the certificates in question were countersigned) to the office of commissioner of loans for that state, or that he was ever known or reputed to have acted in that capacity.—The reverse of this indeed appears from various communications to the Treasury, copies and extracts of which are contained in the Schedule herewith submitted.

It is to be remarked that E. Davis, does not even stile himself commissioner of loans, but instead of this, adds to his signature the words “by order of I. A. Treutlen, Governor of Georgia.”

The certificates however are signed by the proper officer, and all such as have appeared are genuine, and interest as alleged in the petition, has been paid upon them by the late Treasurer of the United States, as in other cases.

A number of those certificates have been offered to the present commissioner of loans for the state of Georgia to be subscribed pursuant to the act making provision for the debt of the United States, and upon

a reference to the Treasury by that officer, have been directed to be refused.

The reason for this direction are substantially as follows.

The certificates in question having been irregularly issued, and without the requisites prescribed by the acts of Congress, were of course in the first instance, *not* obligatory upon the United States.

The subsequent payment of interest upon them by an executive officer, without the sanction of any order or resolution of Congress, could not confer validity upon a claim originally destitute of it: though it might occasion hardships to individuals who upon the credit of that payment may have been induced to become possessors of these certificates for valuable consideration.

There are examples of the payment of interest by the mistake of public officers upon *counterfeit* and *forged* certificates. It seems to be clear, that such payments cannot render valid, or obligatory certificates of that description. And yet a similar hardship to that which has been mentioned would attend those who may have afterwards become possessed of them for valuable consideration.

Nor does there occur any distinction, between the effect of such payment in the one, and in the other case,

Between individuals, the payment of interest, by an agent, upon the *presumed*, but not *real* obligation of his principal, either through mistake, or otherwise without special authority, of the principal could certainly give no new validity to such an obligation.—And the same rules of right, which govern cases between individuals, appear to be the proper guides, in cases between the public and individuals.

These considerations, were deemed conclusive against the admission of those certificates, under the powers vested in the officers of the Treasury. It remains for the legislature, to decide how far there are considerati-

ons strong enough to induce a special interposition in their favor.

In making this decision the following circumstances will, it is presumed, appear to deserve attention.

The present is not a case of mere informality, there is no evidence that the certificates were issued for any purpose of the United States. The contrary indeed is stated to be the fact.

Their amount is not positively ascertained, no account of the issues having ever been rendered; though there is no appearance of any considerable sums being afloat,

*All which is respectfully submitted.*

ALEXANDER HAMILTON,  
*Secretary of the Treasury.*

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#### 6th. CLASS.

THE claims of this class are founded on certificates, commonly called Loan-Office Certificates, signed, "Samuel Hillegas," and countersigned, "by order of, J. A. Treutlen, Esquire; Governor of Georgia, E. Davies." These certificates form part of a sum of two hundred thousand dollars, which was sent from the treasury, on the twenty-fourth of September, one thousand seven hundred and seventy-seven to Georgia, under the care of a Captain Cosmo Medici, and intended for the Loan-Officers there, who were at that time, and long after, William O'Bryen, and Nehemiah Wade.

E. Davies, was never recognized or known as an officer of the United States; on the contrary, it appears from such information as could be collected, that he was only a temporary agent for the state, employed to purchase a quantity of Indian goods, and that to enable him to effect this object, a sum was placed in his hands, in certificates, which by an order of council, he was authorized to issue. These probably were the certificates now under consideration; and, it is therefore,



presumable, that the state of Georgia, has had the benefit of them.

For remarks more in detail, on the subject of these certificates, reference is prayed to a report of the secretary of the treasury, dated the twenty-eighth of March, one thousand seven hundred and ninety-two, on the petition of William Smith; a copy of said report being filed with said claims.

No. of each claim.	When presented.	By whom presented.	For whom presented.	Nature or title of the account or claim.	Apparent in old emission.	Amount in specie.
45	Feb. 22, 1794,	Henry Kuhl,	Rev. Nathan Strong.	3 Loan office certificates, signed Samuel Hiliagas, and countersigned E. Davies, by order of A. Treutlen, Esq. Governor of the State of Georgia, dated 27th Dec. 1777, for four hundred dollars each, - - -	1,200	
46	Feby. 28,	Eli Williams,	William Smith.	8 Certificates of like issue, dated 23d December, 1777, - - -	3,200	
55	March 24,	Samuel Emery,	Moses Gill.	21 Ditto, - - do. - - -	8,400	
63	April 11,	Uriah Tracey,	Benjamin Talmadge.	43 Ditto, - - do. - - -	17,200	
53	March 18,	Samuel W. Fisher,	J. C. & S. W. Fisher.	11 Ditto, - - do. - - -	400	

18

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R E P O R T

OF THE

COMMITTEE OF CLAIMS,

To whom was referred, on the 11th of December last,

THE

P E T I T I O N

OF

C A M P B E L L S M I T H.

---

21st February, 1800.

Committed to a Committee of the whole House, on  
Monday next.

*[Published by order of the House of Representatives]*

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# R E P O R T.

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*The COMMITTEE OF CLAIMS, to whom was referred  
the Petition of CAMPBELL SMITH,*

## REPORT,—

THAT the object of this petitioner is to obtain compensation for his services as “Judge Martial and Advocate General to the Legion of the United States” from the 16th of July 1794, until the 13th of July 1796; and as an extra Aid-de-Camp to Brigadier General Wilkinson, from the 12th of August until the 5th of December in the same year 1794, and from the 16th of January in the year 1796 until the 31st of December following.

With respect to the last mentioned claim for services as extra aid-de-camp, considering that, during the whole of the period in which it is stated he acted in that capacity, Mr. Smith was an officer in the line of the army, and as such in the receipt of his pay and emoluments; and considering that almost the whole of the same period is included within the term wherein it is understood he acted as Judge Advocate, the Committee are of opinion it would not be proper that any further or additional compensation should be made to him as an extra aid-de-camp.

With respect to the other part of the petitioner's claim to compensation for services as Judge Advocate, &c.—the Committee find, that on the 16th of July, 1794, General Wayne then commanding the troops of



the United States, did, by his general orders of that date, give notice, that the petitioner was "appointed Judge Martial and Advocate General to the Legion of the United States, and that he was to be considered and respected accordingly"; and that the petitioner did accept the same appointment, and did discharge the duties thereof as stated in his petition.

Sundry documents tending to elucidate the nature and extent of his claims are hereunto subjoined, and submitted as a part of this report.

Upon a due and attentive consideration of the subject, the committee are of opinion, that the petitioner is justly entitled to relief, and therefore recommend to the House to agree to the following resolution, viz.—

*Resolved,* That the proper accounting officers of the treasury, liquidate and settle the account of Campbell Smith, for his services as Judge Advocate to the Legion of the United States, while he acted in that capacity, under an appointment made by General Wayne on the 16th of July, 1794; and that he be allowed such pay and emoluments for said services, as are allowed by law to officers acting in that capacity.

WAR-DEPARTMENT,  
5th February, 1800.

SIR,

**I**N compliance with the request contained in your letter of this date, I transmit for the information of the Committee of Claims, copies of all the papers in my possession, relative to the claim of Lieutenant Campbell Smith.

I have the honor to be,

Sir,

Your obedient servant,

JAMES M'HENRY.

*Honorable DWIGHT FOSTER,*  
*Chairman of the Committee*  
*of Claims.*

*Philadelphia, 10th Feb. 1798.*

SIR,

**R**ELATIVE to the claim of Lieutenant Smith, who was appointed Judge Advocate to the army, by the commanding officer General Wilkinson, in general orders, and who for some time, as it is stated to me, rendered services in that capacity to the United States, it is my opinion he is equitably entitled to compensation for those services. Though General Wilkinson does not, in my opinion, possess the power of appointing the Judge Advocate, as I have seen no act of Congress vesting such power in him, yet as the President of the United States, with the advice of the Senate, has omitted to make the appointment, which omission has

been supplied by the commanding officer for the good of the public service, I think the Judge Advocate should be paid for his services, as in any other case not expressly provided for by law, where in justice compensation is due from the United States. For adjusting the quantum payable to Lieutenant Smith for his services as Judge Advocate, no better rule can be suggested, than the allowance fixed by law to this office ; and the contingent fund appears to me to be the proper fund for paying this claim.

These principles apply to the case of Lieutenant Webb of the cavalry, who formerly a captain of the cavalry and deranged, took the command of a company of cavalry by the orders of General Wayne, when there was no other officer holding a commission where the company was. He ought to be paid as captain during the period of this extraordinary service out of the contingent fund.

The claim of Major Cushing, is distinguishable from each of the former, as he was appointed Brigade Major and Inspector by General Wilkinson, who ought not to have appointed a field officer to either of these offices, but was directed by law to appoint to these offices out of the captains and subalterns of the line. Yet as these services were necessary, and were rendered, the United States owe a compensation to Major Cushing, which I think may also be paid out of the contingent fund, rather than he should go unpaid.

I am, Sir, most respectfully,

Your obedient servant,

(Signed)

CHARLES LEE.

*To the Secretary at War.*

New-York, October 25, 1799.

SIR,

LEUTENANT CAMPBELL SMITH has made a representation to me on the subject of some claims which he has pending in the Accountant's office, and has requested the interposition of my opinion.

Thinking it due to him as an officer now under my command, I trouble you with this letter.

He states that he has claims of two kinds—one for services rendered for more than two years as Judge Advocate previous to the law authorizing that appointment, another for the legal emoluments of the office, in virtue of an appointment of the commanding General, on the cases of that law; that having been absent in consequence of ill health, induced by a severe wound received in the service, obstacles have occurred to the allowing of the compensation during the term of such absence; that the Attorney General has given an opinion that the appointment was a regular one under the law, and that he understands this opinion to have been heretofore acted upon by your department.

Upon these data I submit my ideas.

I consider it to be a principle sanctioned by usage, that when an officer is called to exercise in a *permanent way* an office of skill in the army (such as that of Judge Advocate) for which provision is not made by law, he is to receive a *quantum meruit*, by special discretion, *for the time he officiates*, which in our present system would be paid out of the fund for the contingencies of the War Department.

This applies to the first claim.

As to the second, this is my opinion—That considering the appointment as regularly made under the law, the emoluments continue of course until the office has been abdicated or superseded—the non exercise of it for any period to the contrary notwithstanding.

In the situation in which Lieutenant Smith was placed by his wound, he would seem entitled even to a liberal application of this rule of right.

With great respect and esteem,

I have the honor to be,

Sir,

Your obedient servant,

(Signed)

A. HAMILTON.

*The Secretary at War.*

[COPY.]

WAR-DEPARTMENT,

12th November, 1799.

SIR,

I RECEIVED your letter of the 25th ultimo at Trenton, when the business of the office had closed there and preparations were making to return to the seat of government.

This letter relates to claims against the United States, for services rendered by Lieutenant Campbell Smith, which are stated to be of two kinds. 1st. For services as Judge Advocate for more than two years previous to the law authorizing that appointment. 2d. For the legal emoluments of the office of Judge Advocate, in virtue of an appointment of the commanding General on the basis of that law.

The first claim I am not sufficiently informed respecting. No general or special order of appointment appears upon the files of the office. No certificates are presented to shew that the duties of the office of Judge Advocate were permanently performed. The circumstances on which its equity is grounded are not before me. If the appointment was not permanent, but applied only to particular cases, and not to all, and did



not oblige to perform the duties of the office at every military court, or at least every general court martial, held at or near the army where the officers served, I should apprehend no precedent authorises the claim, and that its allowance would introduce a train of inconveniences; for, would not every officer who has acted or shall act in the same capacity on any military court, and how many have done and are daily doing so, become likewise entitled to the same measure of compensation, for the time he performed or shall perform the same duties? In such case, the whole amount of claims equally founded, I can form no estimate of.

As however, no law sanctions this claim, as to do so would be contrary to past and present practice, unless the duties said to have been enjoined by the appointment were obligatory, permanent and general; as no expectations have ever been indulged by other officers, who have heretofore or lately acted on military courts in the same office, and the balance of the claim, if for temporary services would introduce serious inconvenience, I think proper to decline having any thing to do with it.

If on the other hand, the appointment was intended to be permanent, and to enjoin general duties applicable to all military courts held at or near the army with which this officer served, although I should then think the claim equitably founded, for compensation for the time services were performed under it, yet, as the appointment was not provided for, and no law established the office, I incline to suppose a legislative allowance would be most regular and conformable to the course heretofore pursued in similar cases, of which Captain Lewis's claim as volunteer aid is an instance.

The second claim is for the legal emoluments of the office of Judge Advocate, in virtue of an appointment of the commanding officer on the basis of a law authorising the appointment, relative to which you say it has been stated to you. The Attorney General has given an opinion that the appointment was a regular one, un-

der the law, and that this opinion is understood to have been heretofore acted upon in this department, but that Lieutenant Smith having been absent in consequence of ill health, induced by a severe wound in the service, obstacles have occurred to the allowing of the compensation, during the term of such absence.

Proceeding on the statement made to you as your data, you give your opinion on the second claim as follows, viz: "Considering the appointment as regularly made under the law, the emoluments continue of course, until the office has been abdicated or superseded, the non-exercise of it, for any period, to the contrary notwithstanding".

It will be proper to go into some detail respecting the second claim, and to shew you that the opinion of the Attorney General by no means establishes the appointment of Lieutenant Smith by the commanding General on the basis of the law authorizing the appointment of a Judge Advocate as regular, but the contrary. It however, considers Lieutenant Smith under all circumstances, as equitably entitled to compensation, for the services he had actually performed as Judge Advocate, although under an irregular appointment, and recommended the allowance fixed by law, to this office as the best rule for the compensation and the contingent as the proper fund out of which it should be paid.

When this claim was presented to me, I transmitted it with those of two other gentlemen similarly circumstanced to the Attorney General and requested his opinion. A copy of this opinion dated the 10th February 1798, I now enclose.

On the 12th February, I wrote to the Accountant "I enclose the opinions of the Attorney General of the United States on the claims of Lieutenant Campbell Smith, Lieutenant Webb, and Major Cushing. I concur in them."

Referring to the Accountant's Office, I find that Lieutenant Smith, was settled with upon the principles of and agreeably to the rule recommended by the Attor-

ney General's opinion, from the 1st of March 1797, to the 30th of April, 1798.

In consequence of a subsequent application as I must suppose by the same officer, referred to me by the accountant, I wrote to the latter on the 26th October, 1798. "Lieutenant Campbell Smith is considered upon the principles of an opinion of the Attorney General, dated 10th. February last, copy of which was transmitted to your office, to be entitled to all the emoluments attached to the office of judge advocate, for such time only as he was actually employed by Brigadier General Wilkinson, or by orders from the Secretary of War, since the 30th. April last, in that capacity."

When I wrote thus, I knew Lieutenant Smith had been employed specially, by a warrant directed to him as judge advocate pro hâc, on the trial of Lieutenant Parmele, and intended to avoid any expression which he could be construed into a confirmation of his appointment to the office of judge advocate generally, and to confine his compensation to the time strictly for which officiated in the capacity of judge advocate. No settlement was however made with him, after that which allowed him compensation to the 30th. April, he probably declined any settlement other than one under his appointment by the General and giving to him monthly emoluments.

An Act to amend and repeal in part the Act entitled "An Act to ascertain and fix the Military establishment of the United States," passed the 3d. March 1797. "Provides section 2d. That there shall be one Brigadier General *who may choose* his Brigade Major and inspector from the Captains and Subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty five dollars in addition to his pay in the line, and two rations extraordinary per day, and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof); that there shall be one Judge Advocate, who shall be taken from the commissioned officers of the line, and shall be entitled to

receive two rations extra per day, and twenty five dollars per month, in addition to his pay in the line, and whenever forage shall not furnished by the public to ten dollars per month in lieu thereof".

It will be perceived that the section of the law cited, gives an express permission to the Brigadier General, to choose his Brigade Major and Inspector, but is silent respecting the appointment of the Judge Advocate which is therefore conceived to rest in the President by and with the advice and consent of the Senate. The 2d clause of the 2d section of article 2d of the Constitution, among other powers vested in the President, gives that, by and with the advice aforesaid of appointing "all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of department."

It is proper to add that the nomination to the Senate of an officer to act in the capacity of Judge Advocate General, was declared from a conviction that the dispersed situation the troops had or would assume, was incompatible with the attainment of much utility from such an officer, and that the same cause produced my disinclination to give any countenance to an expectation of permanent emoluments, under what I considered an irregular appointment.

I have the honor to be &c.

(Signed)

JAMES M'HENRY.

Major General A. Hamilton.





R E P O R T

OF THE

C O M M I T T E E

To whom was referred, on the 18th instant,

THE

P E T I T I O N

OF

J O H N M O U N T J O Y .

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21st February, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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*Published by order of the House of Representatives.*

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# R E P O R T.

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*The Committee to whom was referred, the Petition of*  
JOHN MOUNTJOY.

RESPECTFULLY REPORT,

**T**HAT it appears to the Committee, that the petitioner was a Captain in the service of the United States, in the Revolutionary War with Great-Britain; and entitled to bounty land: It appears also by an extract from the office of the Secretary of War, that the land warrant of the petitioner, was cut out of the book; a receipt dated the 26th of February, 1793, and not signed was left in the office. The land warrant, No. 2492.

The Committee are of opinion that in consequence of the neglect, or the misconduct of an officer in the War Office, no loss ought to fall on the innocent party.

*Resolved therefore,*

That the Secretary of War, be directed to give to John Mountjoy, late a captain in the service of the United States, a land warrant, No. 2492, for 300 acres of bounty land.

**I**N the year 1791, Josiah Starr, of New-Milford, in Connecticut, left with the proper officer at the War-Office, deeds from J. Tomlinson, E. Tomlinson, and A. Shely to I. Canfield, for their bounty lands, they having each served as soldiers during the revolutionary war, land warrants were made out and signed by General Knox; Mr. Starr, had not a power of attorney from Canfield the assignee, and of course could not regularly receive them. A clerk in the War-Office by the name of Hoffman, took these warrants and sold them, and is a bankrupt. Canfield has now given a power of attorney to take out these land warrants.

*Query.* Can the Secretary of War, with propriety and safety to himself, issue other warrants, allowing the transfers to Canfield, his power of attorney, &c. are all regular?

Upon the foregoing case the attorney general, respectfully reports, to the Secretary at War, his opinion as followeth;

According to the established rules of law, relative to master and servant, founded on the undeniable principles of justice, the bounty in land is not to be lost to the soldier or his assignee, by means of the fraud of a clerk of the United States, to whom was instructed by the United States the original warrant to be delivered to the true owner or his agent. But though the claim for the county land exists against the United States, and ought to be satisfied, yet the laws being silent, the Secretary at War, possesses no authority after land warrants have been once issued to issue them a second time for the same service. It may be proper for Congress to prescribe regulations under which warrants for land may be a second time granted in all cases of this kind, and others, when justice shall require it.

A person claiming a patent for land through a forgery in any link of his title is to be denied it in all cases, and in those where the warrant is genuine and has been surreptitiously taken by a clerk or officer of the United

States, and fraudulently disposed of by him, if ever the warrant is returned to the War-Office, or Treasury-Office, it should be detained and cancelled.

(SIGNED)

CHARLES LEE.

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MR. RAWLE'S, opinion.

**A**LTHOUGH I am clearly of opinion that the loss occasioned by the depravity of a clerk in the War-Office, ought not to fall upon the innocent party, yet I do not think it is in the power of the Secretary of the Department of War, to relieve him.

The Secretary has performed his duty, has issued the warrant, and vested the right to a certain number of acres in I. Canfield, assignee of Tomlinson, &c.

No further power remains in him so far as relates to the land to which these soldiers were entitled.

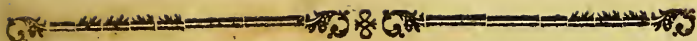
It remains with the United States, to compensate the injury by a special grant to Canfield, or his assignee. I wish this opinion to be understood as clear of one of the cases put in your letter.

If the power of attorney, or transfer from the person originally entitled had been forged, then the authority of the Secretary at War, which was to issue the warrant to the person entitled (or his lawful representative) has not been executed, and in that event it would perhaps be competent for the soldier to require the bounty which his country promised him, but which had been fraudulently received by another.

The warrants thus fraudulently obtained, would I incline to think, be considered as void, though in the hands of subsequent holders for a valuable consideration.

(SIGNED)

W. RAWLE.



R E P O R T.  
OF THE  
C O M M I T T E E  
To whom was referred, on the 4th instant,  
THE  
P E T I T I O N  
OF  
I S A A C Z A N E.

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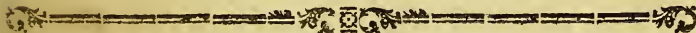
21st February, 1800.

Committed to a Committee of the whole House, on  
Tuesday next.

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*[Published by order of the House of Representatives.]*

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1875

PAID

TO THE ORDER OF

THE

STATE

OF

NEW YORK

IN

THE



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# R E P O R T.

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*The committee appointed to enquire whether any, and if any, what alterations are necessary in the laws authorizing the sale of the lands of the United States north-west of the Ohio, and to whom was referred the petition of Isaac Zane, have taken into consideration the said petition and make thereon the following*

## REPORT,—

**T**HAT the petitioner states that he was made a prisoner by the Wyandot Indians when an infant of nine years of age, with which nation he has ever since remained, having married an Indian woman by whom he has many children, that his attachments to the white people has subjected him to numberless inconveniencies and dangers during the almost continual wars which existed between the United States and the Indians, until the peace of Greenville in 1795.

That previous to that period, a tract of land on which he now lives, had been assigned to him by the Wyandot Indians, and that no idea was intertained when that treaty was made, that the land which had been given him would fall within the boundary of the United States, (which now appears to be the case) and of consequence, that no provision was made in that treaty in his favor.— All of which the committee have reason to believe is perfectly true: and it further appears from a certificate given by Governor St. Clair, the agent for Indian affairs in the north-western territory, that, at a conference with the Chiefs of the Wyandot nation, in the

month of October, 1799, the said Chiefs declared it to be the wish of their nation, that a tract of land four miles square, at a place called the big bottom, on mad river, a branch of the great Miami, should be confirmed to the said Zane: this land having been set apart for him previous to the treaty of Greenville. Having taken these circumstances into consideration, and having been creditably informed that the petitioner has in the course of the Indian war, rendered great and repeated services to the frontier settlements, by giving information to them of any hostile design meditated against them by the Indians, at the no small risk of his life, and having as far as his power extended, protected and sustained the unfortunate persons who were occasionally carried into captivity. The committee have concluded that the petitioner ought to have confirmed to him a tract of land equal in some degree to the intentions of the Indians, and to the services rendered by the petitioner to the United States; they therefore recommend to the House the adoption of the following resolution.

*Resolved*, that a committee be appointed to bring in a bill authorizing the President of the United States, to convey in fee simple to Isaac Zane, 2560 acres of land, to be laid off in a square, two miles each way, at a place called the Big Bottom, on Mad River, a branch of the great Miami River, and where the said Zane now lives.

21

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REPORT  
OF THE  
COMMITTEE  
OF

Ways and Means,

ON THE SUBJECT OF

A LOAN,

FOR THE SERVICE OF THE YEAR  
1800.

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21st February, 1800.

Committed to a Committee of the whole House, on  
Monday next,

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*Published by order of the House of Representatives.]*

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# R E P O R T.

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*The COMMITTEE of WAYS and MEANS, to whom was referred the Estimates for the Public Service during the present Year, having taken them into consideration, and obtained from the different Departments such further information as they deemed necessary, beg leave to submit to the consideration of the House, the following*

*REPORT on that subject.—*

THE Committee thought it proper, before they entered into the subject referred to them, to obtain from the Treasury Department a detailed estimate of the revenue and expenditure of the present year, according to existing laws. For this purpose was written to the Secretary of the Treasury, the letter, of which a copy [No. I.] together with his answer [No. II.] and the estimate requested [No. III.] is subjoined to this report.

From this estimate it appears, that the whole sum required for the public service, during the present year, including the interest and reimbursement of the public debt of every description, the civil list, army and navy, and every incidental charge, amounts to fifteen millions three hundred and ninety-three thousand and thirty-four dollars and eleven cents. But this sum includes the whole army estimate, which was founded on the supposition that the twelve regiments of infantry and six troops of horse, composing the additional army, would be immediately completed. The act, however, for suspending further enlistments, having passed one branch of the Legislature, the Committee thought it proper to



ascertain, as nearly as possible, what reductions in the expense of that army, would result from this bill, should it pass into a law. For this purpose they wrote a letter to the Secretary of War, a copy of which, [No. IV.] with his answer, [No. V.] and an estimate of the reduction in question, [No. VI.] they have annexed to this report. From this paper it appears, that the reduction may be calculated at about one million of dollars:— Which, as the bill has now passed into a law, must be deducted from the former estimate of fifteen millions three hundred and ninety-three thousand and thirty-four dollars and eleven cents; and will leave a balance of fourteen millions three hundred and ninety-three thousand and thirty-four dollars and eleven cents, for the expences of the year.

From this balance, however, the Committee are of opinion, that a further deduction of six hundred thousand dollars ought to be made. This sum is added to the navy estimate, as a further appropriation, during the present year, for the building of the six-seventy fours. But the Committee, entertaining doubts whether it would be for the benefit of the public to press the building of those ships, so fast, as to require this further appropriation, since they must, in that case, be built of timber far from sufficiently seasoned; wrote to the Secretary of the Navy requesting his opinion on this point. A copy of their letter, [No. 7,] together with his answer, [No. 8,] is hereunto subjoined. This answer, to which the committee beg leave to direct the attention of the House, furnishes, in their opinion, very sufficient reasons for avoiding that degree of expedition in building the seventy fours, which would require the further appropriation of six hundred thousand dollars. And they therefore, think it proper to deduct that sum also from the general estimates of expenditure for the year, which will reduce that expenditure to the sum of thirteen millions, seven hundred and ninety-three thousand and thirty four dollars and eleven cents.

The whole estimated amount of revenue to meet this expenditure, is nine millions, three hundred and one



thousand, two hundred and fifty eight dollars and fifty one cents, as detailed in the statement, [No. 3,] furnished by the Secretary of the Treasury, and above alluded to, which sum being deducted from the sum of thirteen millions, seven hundred and ninety-three thousand and thirty-four dollars and eleven cents, which has been stated as the amount of expenditure, leaves a balance of four millions, four hundred and ninety-one thousand, seven hundred and seventy-five dollars and sixty one cents.

The government, however, possesses funds to cover this balance in part. From the above mentioned statement, [No. 3,] it appears that on the thirty first of December, one thousand seven hundred and ninety-nine, there remained in the treasury an unexpended balance of the last year's supplies, amounting to two million, one hundred and fifty-nine thousand, three hundred and seventy-seven dollars and ten cents. — A considerable part of this sum has since been paid, or will be required, for the discharge of contracts remaining due for the service of last year. It is not easy to ascertain with precision, what portion of this balance will remain, after satisfying all demands of this description, to be applied to the service of the present year; but the Secretary of the Treasury, in his above mentioned statement, [No. 3,] estimates it at one million of dollars; an estimate which the committee have no reason for considering as too high. They therefore place this sum to the credit of the government, which reduces the balance to be provided for by loan, to three millions, four hundred and ninety one thousand seven hundred and seventy-five dollars, and sixty-one cents, — Say three millions, five hundred thousand dollars.

In proposing a loan to the House, the Committee wish to call its attention to the propriety of providing, at the same time, permanent revenues equal to the interest of the debt to be incurred; and of making provision, also, for the gradual and timely extinguishment

of the principal: a policy which, in their opinion, ought to be invariably adhered to, as the only mean of avoiding that constant accumulation of debt, which is the great evil of the funding system. The committee have turned their attention to this interesting part of the subject; and have little doubt of being able to propose such measures to the House, as without materially increasing the public burdens will add to the present revenues a sum adequate to the accomplishment of so desirable an object. But as they are not yet possessed of all the information necessary for maturing their plan, they reserve it for the subject of a further report.

In the mean time they beg leave to present, for the consideration of the House, the following resolution, viz.

*Resolved*, That it is expedient to authorize the President of the United States to borrow, for the service of the present year, a sum not exceeding three millions five hundred thousand dollars, upon such terms and conditions as he shall judge most advantageous for the United States: *Provided*, that no contract or engagement shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed, at any time after the expiration of fifteen years from the date of such loan.

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(No. 1.)

*Letter to the Secretary of the Treasury,*

COMMITTEE ROOM, *Jan. 6th, 1800.*

S I R,

**I**N compliance with a resolution of the Committee of Ways and Means, I have the honor to request from you, for their use, the following information, as speedily as may accord with your convenience,

1st. An estimate of the expense and revenue of the current year, according to existing laws.

2d. A statement of the receipts and expenditures for

the last quarter of the last year, as far as they can be at present ascertained from the accounts made up at the Treasury.

3d. A statement of the account between the United States, and the Bank, as it now stands, more especially with respect to the reimbursement of former Loans.

With very great respect,  
I have the honor to be,

S I R,

Your obedient servant,

(Signed)

ROBERT G. HARPER.

*The Honorable the Secretary }  
of the Treasury. }*

(No. 2.)

*Letter from the Secretary of the Treasury.*

TREASURY-DEPARTMENT,  
*January 22d, 1800.*

S I R,

**I** HAVE the honor to transmit herewith three statements, which have been prepared in compliance with the request of the Committee of Ways and Means,—

1st, An estimate of the revenue and expenditures of the year 1800, according to existing laws.

2d. A statement of the Receipts and Expenditures of the United States, from the 1st of October, to the 31st of December 1799.

3d. A statement of the loans made by the Bank of the United States, exhibiting the sums remaining unpaid.

Various enquiries having been lately made respecting the public debt, I have judged it expedient to state the capitals of the different stocks, at the close of the last year.

The following debts have been incurred and remain unpaid, in consequence of expenditures authorized by

Congress, under the present Constitution of the United States.

The balance due to the Bank of the United States, being	-	-	-	Dolls.	3,640,000
From which deduct the cost of 2220 shares, which are held by the United States,	-	-	-		888,000
					<u>2,752,000</u>

The amount of 6 per cent stock, issued pursuant to an act of Congress passed on the 31st of May, 1796; the proceeds of which were applied towards the payment of a Loan obtained of the Bank of New-York,	-	-			80,000
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The 8 per cent stock, issued in 1799, pursuant to an act passed on the 16th of July 1798,	-	-			5,000,000
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The 6 per cent navy stock, issued in 1799, pursuant to an act passed on the 30th June 1798,	-	-			109,200
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There will be issued of 6 per cent navy stock, in payment, for ships now preparing for service, which may be deemed a debt already incurred, though not liquidated about,	-	-	-		820,000
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Amounting in the whole to,	-				<u><u>8,761,200</u></u>
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The following sums may be properly opposed to the debts above enumerated.

The sums of stock purchased and redeemed, the interest whereon is vested in the trustee, of the sinking fund,	-	-			4,704,219 6
---	---	---	--	--	-------------

The sums reimbursed on the 1st of January 1800, of the principal of					
---	--	--	--	--	--

the 6 per cent stock, pursuant to the act of March 3d 1795, com- puted at,	-	-	-2,540,641 90
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Amounting to, Dolls.		<u>7,244,861 50</u>
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The principal debt of the United States, has therefore increased, since the establishment of the present government, the sum of one million five hundred and sixteen thousand, three hundred and thirty eight dollars and fifty cents.

I have the honor to be,

With the greatest respect,

S I R,

Your obedient servant,

OLIVER WOLCOTT.

*The Honorable Robert Goodloe  
Harper, Esq. Chairman of  
the Committee of Ways and  
Means.*



An Estimate of the Expenditures and Revenue of the  
United States, during the year 1800.

EXPENDITURES.

*For the Foreign Debt, due in Amsterdam and  
Antwerp.*

One year's interest, on 26,900,000 Guilders, calculated according to the different contracts, at four, four and an half, and five per centum per annum, is	Guilders	1,255,250
Second instalment of one mil- lion of Guilders per contract of March 13th, 1788.	}	200,000
Third instalment of ditto per contract of June 1st, 1787.		
First instalment of three mil- lions per contract dated Febru- ary 1st, 1790.	}	600,000
Charges and commissions, esti- mated at		
		22,552 10
	Guilders	2,277,802 10

Which sum of Guilders 2,277,802 10, esti-  
mated at forty Cents per Guilder amounts to 911,121

*For the Domestic Fund-  
ed Debt.*

	Capital.		Dividends.	
	Dollars.	cts	Dollars.	cts
Capital of the six per cent stock, to the credit of individuals, Decr. 31st, 1799, upon which dividends are made, on account of principal & interest, at 8 per cent.	28,246,042	96	2,259,683	43
Of the three per cent. stock.	19,086,708	54	572,601	25
Of six per cent. stock, per act of May 31st, 1796.	80,000		4,800	
Of five and half per cent stock.	1,847,500		101,612	50
	B Carried forward			

*For the Domestic Funded Debt.*

	Capital.		Dividends.		
	Dollars.	cts	Dollars.	cts	
Of four and half per cent. stock.	176,000		7,920		
Of six per cent. navy stock.	109,200		6,552		
Of eight per cent. stock, 1799.	5,000,000		400,000		
Of deferred debt, bearing interest, after Jan. 1st, 1801.	13,682,044	18			
Funded debt to the credit of individuals Decr. 31st, 1799, and dividends payable thereon in 1800	68,228,395	68	3,353,169	18	
Estimated amount of six per cent. navy stock to be issued in 1800.	820,000		49,200		
Sum required for the domestic debt in 1800, exclusive of the sinking fund	69,048,395	68			3,402,369 18
<i>Interest on stock purchased or transferred to the trustees of the sinking fund.</i>					
On six per cent stock	1,841,607	09	110,496	42	
On three per cent stock	614,836	47	18,445	09	
On five and half per cent stock.	1,400		77		
On foreign debt redeemed, at five per cent.	1,280,000		64,000		
Deferred debt, on which interest will accrue after the year 1800.	966,376	04			
Amount of the interest Fund in 1800	4,704,219	60			193,018 51

*For the Interest and Reimbursement of temporary Domestic Loans.*

Interest on 1,400,000 Dollars, obtained of the bank of the United States, at 5 per cent. per annum

Dolls. 70,000

Carried forward

## EXPENDITURES.

Interest on 2,240,000 Dollars obtained of the said bank, at six per centum	}	134,400
--	---	---------

Reimbursement of the 9th instalment of the loan of two milions of Dollars for stock of the said bank, pursuant to the 11th section of the act of March 3d, 1795, "making provision for the support of public credit and the redemption of the pub- lic debt	}	200,000
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 404,400

Expenditures for the service of the year 1800,  
calculated upon the principles of the esti-  
mates reported to the House of Re-  
presentatives on the 7th of De-  
cember 1798.

For the civil list	562,275 95
For the payment of annuities and grants	953 33
For the support of the mint establishment.	13,300
For the expences of intercourse with fo- reign nations per estimate	92,000
Sum appropriated by the act of March 19th, 1798	40,000
	<hr style="width: 10%; margin-left: 0;"/> 132,000
For expences inci- dent to certain trea- ties per estimate	244,000
Sum appropriated in consequence of the treaty with Al- giers by the act of May 6th, 1796	24,000
	<hr style="width: 10%; margin-left: 0;"/> 268,000
For expences inci- dent to the valua- tion of dwelling houses and lands	215,000

## EXPENDITURES.

For the military establishment as per estimate	} 4,067,200	
Sum appropriated for payment of Annuities to Indians, per act of May 6th, 1796	} 11,000	4,078,200
For the navy establishment, per estimate		2,482,953 99
For the payment of military pensions		93,000
For the fabrication of cannon and arms and the purchase of ammunition for the army and navy, and for the militia, per estimate	} 260,000	
The sum unexpended, Oct. 1st, 1799, of the amount appropriated by the act of May 4th 1798	} 344,202 12	
The sum granted by the act of July 6th 1798	} 400,000	1,004,202 12
For the support of light houses &c.		98,240 3
For miscellaneous claims per estimate.		34,000
		<u>8,982,125 42</u>

For building six 74 gun ships, as directed by the act of congress of the 25th of February 1799; there will be required, if the business shall proceed in the manner suggested, in the estimate of the secretary of the navy, the sum unexpended of the appropriation already made, being

700,000

And a further appropriation of

600,000

1,300,000

EXPENDITURES.

For satisfying various demands upon the treasury, for which appropriations have already been made, it is necessary to reserve } 200,000

Estimated amount of expenditures, during the year 1800 15,393,034 11

ESTIMATED REVENUE FOR THE YEAR 1800.

*From Duties on Imports, and Tonnage.*  
The actual Receipts during the three last years, have been as follows.

Product of the several quarters.	In the years ending,		
	Sep. 30th. 1797.	Sep. 30th. 1798	Sep. 30th. 1799.
From Oct. 1st, to Dec. 31st.	1,786,966.30.	1,982,927.54.	1,683,568.61.
From Jan. 1st, to March 31st.	1,434,186.66.	1,902,589.82.	1,385,169.93.
From April 1st, to June 30th.	2,337,935.80.	1,700,378.32.	1,868,661.34.
From July 1st, to Sep. 30th.	1,794,600.25.	1,819,525.18.	1,499,686.46.
	7,353,688.41.	7,405,420.86.	6,437,086.34.

The accounts for the quarter ending December 31st, 1799, are not settled, yet it is known that the receipts exceeded 1,800,000 dollars.— This branch of revenue, may therefore, it is believed, be safely estimated for the year 1800, at

7,000,000.



*From Duties on domestic distilled Spirits and on Stills, sales at Auction, Licences for selling Foreign Spirits and Wines by retail, Refined Sugar, Carriages and Stamps.*

The product of all the internal revenues during three years, has been as follows; The duties on stamps have been collected only since July 1st, 1798.

Product of the several quarters, From Octo. 1st, to Dec. 31st. From Jan. 1st, to March 31st. From April 1st, to June 30th. From July 1st, to Sep. 30th.	In the years ending.		
	Sep. 30th, 1797	Sep. 30th, 1798	Sep. 30th, 1799.
	132,949.47	137,389.37	195,867.65.
	142,108.58	174,399.79	165,183.04.
	140,557.42	115,492.46.	211,999.95.
	155,436.08.	158,598.05.	200,512.12.
	571,051.55.	585,879.67.	773,562.76.

The product of the internal revenue during the quarter ending Decr. 31st, 1799, was about 200,000 dollars; and it is estimated that they will produce in 1800 the sum of

800,000

Carried forward:

*From the Direct Tax.*

The valuations have been completed, and directions issued for collecting the tax in the states of Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Kentucky and Tennessee. In some of those states, collections have been commenced. The returns of the valuations will be soon completed in the states of Rhode Island, New York, Pennsylvania, Maryland, and Virginia. Owing to the resignation of commissioners, and other causes, the requisite arrangements for commencing the valuations, were considerably delayed, in certain districts of the other states: a great part of the business is however, understood to be completed, and all the returns are expected in a few months. Under these circumstances, it is difficult to form an opinion respecting the proportion of the tax, which will reach the treasury in the course of the present year; a considerable part of sums which will be assessed on new lands, must remain uncollected till the ensuing year; it is however, expected that there will be received, during the year 1800, the sum of

	1,200,000
From revenue on the postage of letters	36,000
From fees on letters patent	1,200
From dividends on bank stock	71,040
From the proceeds of that part of the sinking Fund which consists of interest on the stock purchased or redeemed, and which is appropriated with other funds, towards the re-imbursment of the public debt	193,018 51
Estimated amount of revenue for 1800	9,301,258 51
The monies which remained in the treasury on the first of Janury, 1800, may be considered as a fund for defraying the expences herein before enumerated, to the extent of	1,000,000
Leaving the balance to be provided for, about	5,091,775 60
	6,091,775 60

Dol. 15,393,034 11

TREASURY DEPARTMENT, *January 22, 1800*

OLIVER WOLCOTT, *Secretary of the Treasury.*

## B.

Account of Receipts and Expenditures of the United States, from the 1st October 1799, to 31st Dec. following, so far as the Accounts have been received at the Treasury.

## RECEIPTS.

1799, 1st. Oct.

By balance in the Treasury this day subject to warrants.		2,422,783	38
By amount of receipts into the Treasury, viz.			
For duties of merchandize and tonnage		1,854,931	58
For duties on spirits distilled within the United States, on stills, sales at auction, licences for selling Wines &c. by retail, carriages, refined sugar, and stamp duties		201,441	33
For postage of letters		20,000	
For fees on letters patent.		330	
For cents, and half cents, coined at the mint		2,613	50
For domestic loans, received on account of 5 millions, at 8 per cent.		1,000,912	50
For prizes arising from sales of French armed vessels		4,231	75
For fines recovered from sundry persons for breach of the laws of the United States		2,000	
For re-payment made by individuals on settlement of their accounts at the Treasury, viz.			
Joseph Williams	dol.	13	50
Samuel & Jos. Sterret		172	58
			186 58
	Dols.	5,518,430	12

## EXPENDITURES.

For Civil Department	99,000	3
Expenses of the valuation of lands & dwelling-houses and enumeration of slaves	9,676	10
	108,676	13
Military department	670,529	53
Naval department	860,000	
Fortification of ports and Harbours	10,000	
Light-House establishment	15,875	41

Annuities and grants	573 33
Military pensions	900
Mint establishment	7,000
Purchase of vellum } &c. for stamps }	429 3
Unclaimed merchandise, sold and reclaimed }	120 5
For miscellaneous expenses	338 47
Relief and protection of } American seamen }	10,000
Diplomatic department	30,000
Treaties with Mediterranean powers }	12,000
Treaty with Great-Britain	11,250
Paying agents under the } 6th article of the British } treaty. }	150
Interest and re-imbursement of the domestic debt }	1,174,875 24.
Paying the Dutch debt.	246,335,83.
Domestic Loans	200,000.

Amount of expenditures

3,359,053,02.

Money in the Treasury, Dec. 31st, 1799. dol. 2,159,377,10.

*Treasury Department Jan. 22d. 1800.*

The accounts of the Treasury for the period above mentioned have not been closed, owing to the want of certain returns from distant parts of the United States: the foregoing statement may, however, be considered as essentially correct.

OLIVER WOLCOTT.

*Secretary of the Treasury.*

*A Statement of the Loans obtained of the Bank of the United States; and the sums remaining unpaid on the first of January 1800.*

Titles and dates of the Acts authorizing the loans.	Dates of the Contracts.	At what rate of Interest.	Amount of each loan in dollars.	Sums which have been reimbursed, if 1,000.	Balances unpaid Jan. 1, 1800.	Reimbursable in installments of 200,000 dollars on the 31st of Dec. in the years, 1800, and 1801. Due by the terms of the contract, but continued on loan with the consent of the bank.
" An Act to incorporate the subscribers to the Bank of the United States." Feb. 25, 1791.	1792, June 25th.	6 per cent.	2,000,000	1,600,000	400,000	
" An Act to authorize a loan of two millions of dollars." December 18th, 1794.	1794, Dec. 31st.	5 per cent.	2,000,000	600,000	1,400,000	
" An Act for the reimbursement of a loan, authorized by an Act of the last Session of Congress." February 21st, 1795.	1795, March 5th.	6 per cent.	800,000	400,000	400,000	Ditto.
" An Act making further appropriations for the military and naval establishments, and for the support of gov." Mar. 3, 1795.	1795, March 24th. Sept. 30th.	6 per cent. 6 per cent.	500,000 500,000	260,000 - - - -	240,000 500,000	Ditto.
" An Act making further provision for the support of public credit, and for the redemption of the public debt." Mar. 3d, 1795.	1795, Dec. 31st.	6 per cent.	500,000	- - - -	500,000	Ditto.
Ditto.	1799, Jan. 1st.	6 per cent.	200,000	- - - -	200,000	Reimbursable on the 1st of January, 1803.
			6,500,000	2,860,000	3,640,000	



*Committee Room, January 23d, 1800.*

AS the Bill, Sir, for suspending enlistments, should it pass, will make a material variation in the army expenditures during the present year; and as the estimates now before the Committee of Ways and Means, are predicated on the existing law, without any reference to that measure; it will be important for the Committee to be informed, as speedily as possible, of the probable amount of those expenditures, in case the Bill in question should be agreed to. I have, therefore, the honour of requesting, that you will be so good as to furnish me, as soon as circumstances may permit, with an estimate of the nature alluded to, for the use of the Committee, and also with an abstract of the statements and returns whereon it may be founded.

With sentiments of very high respect,

I have the honour to be, Sir,

your most obedient very humble  
servant,

(Signed.)

ROBERT G. HARPER.

*The Honourable*

*The Secretary at War.*

*War Department, 30th January, 1800.*

SIR,

I have the honor to inclose, the copy of a letter from me to Major General Hamilton, the object of which is, to provide as far as practicable, against a waste of public monies, in either of the events, of a suspension of enlistments being directed by law, or of the speedy settlement of our differences, with the French republic.

I inclose also, agreeably to your request, an estimate intended to exhibit, as far as practicable, the probable amount of the military appropriations, that will be required for the present year, in case the Bill for suspending enlistments, now before the Senate, should pass into a law.

It must be supposed, that several impressive circumstances, require to be weighed with due consideration, when deciding upon an appropriation, with either of the events mentioned in prospect.

1st. The time which must be consumed in transmitting orders, to the officers at the different rendezvous, to dismiss their recruits or suspend further enlistments. There are in New Hampshire 4 recruiting rendezvous, in Vermont 3, Rhode Island 3, Massachusetts 20, Connecticut 10, New York 10, New Jersey 6, Pennsylvania 13, Delaware 1, Maryland 10, Virginia 20, North Carolina 9, South Carolina 6, Georgia 2, Kentucky 2, and Tennessee 1.

2d. The time it will require for each officer and soldier, to return home, and for which they are by law, to be allowed pay and rations, or an equivalent in money.

3d. The time it will take to pay off the officers, and men.

4th. The expence which will attend removing to the Public Depots, the several articles of clothing, tents, and camp equipage, which are widely scattered over a great extent of country.

5th. The expences to contractors, on breaking up of the army, for transporting provisions from places, where they have been ordered, to other places, where they can be consumed, conformably to the uniform provision of contracts.

The disbanding of an army, settlements with the individuals, who composed it, and due attention to collect, and deposit safely, the various articles of Public Property, it had in use, will always occasion

considerable extra expences, respecting which it is impossible to furnish precise and satisfactory items.

I am, Sir,

With great respect,

Your obedient servant,

JAMES M'HENRY,

*Robert Goodloe Harper, Esq. }  
Chairman of the Committee  
of Ways and Means.*

Dolls. 4,977,100

AMOUNT OF ESTIMATE for the Year 1800, as rendered exclusive of Military Pensions,

From which deduct the pay subsistence and clothing for 5049 privates being the number per last return wanted to complete the twelve additional regiments, viz.

Pay,	- - - - -	302,940
Rations, at 17 Cents per Ration,	- - - - -	313,290. 45
Clothing,	- - - - -	126,225
		<u>742,455. 45</u>

Deduct also the Pay, Subsistence, Clothing, and Forage, of the Non-Commissioned Officers, Musicians, and Privates of the Six Companies of Cavalry, viz.

Pay,	- - - - -	25,632
Rations at 17 Cents per Ration,	- - - - -	23,827. 20
Forage,	- - - - -	27,648
Clothing,	- - - - -	9,600
		<u>86,707. 20</u>

Also for the purchase of 150 horses, at 150 Dollars each,

From Quarter Master Generals and Hospital Department,	- - - - -	22,500
		<u>335,467</u>

1,187,129. 65

N. B. The Secretary thinks it probable that since the returns there may have been enlisted about Six Hundred Privates, the Pay, Rations, and Clothing for whom would amount to,

And for Quarter Masters and Hospital Department agreeably to ratio,	- - - - -	88,230
		<u>36,776</u>

Dolls. 125, 06

War Department,  
28th. January 1800.

JAMES M'HENRY,  
Secretary of War.

No. 7.

*Committee Room, January 23d, 1800.*

THE Committee of Ways and Means, Sir, having turned their attention to the amount of the supply which will be required, for the various branches of the Public Service, during the present year, find, in the estimates which have been laid before them, an item of 600,000 dollars for the six seventy-four gun ships, ordered by an act of the last session. They also find, that of the former appropriation for that object, amounting to 1,000,000 of dollars, there remained, at the beginning of this year, an unexpended balance of 700,000 dollars. It appearing doubtful whether it will be expedient to hasten the building of those ships, so much as to require, for the present year, an expenditure beyond the amount of that balance, and consequently, whether the good of the service will require any additional appropriation for that object, at this time; I have the honour of requesting that you will be so good as to furnish me, for the use of the Committee, with your opinion on that point. I am persuaded that it would be gratifying to the Committee to be favoured, also, with a statement of the facts and reasons whereon that opinion may be founded.

I have the honour to be, with  
sentiments of very high respect,  
Sir, your most obedient very  
humble servant,

ROBERT G. HARPER.

*(Signed.)*

*The Honourable, the Secre- }  
tary of the Navy. }*

No. 8.

*Navy Department, 8th February, 1800.*

SIR,

THE live oak frames for the six 74 gun ships, will cost delivered at the building places 300,000 dollars; The other timber will cost 180,000 dollars; The necessary preparations at each yard, for



building not only these, but ships that may be hereafter authorized, securing the timber for seasoning, purchasing sufficient ground for capacious building yards, where the timber can be deposited in order, so as to avoid considerable expense in piling and unpling to get at the particular pieces wanted, will cost 200,000, making 680,000 dollars.

The greater part of these expences are already incurred, and the whole must be incurred early in the spring. This amount added to the cost of the six small vessels to be built out of the appropriation of one million of dollars, being 300,000 dollars, will absorb nearly the million of dollars appropriated for these objects. The sums which have been advanced, and must be advanced for copper, will amount to more than the difference, but there may be a saving in the expence of preparing the yards.

It is for the wisdom of Congress to determine, whether we shall stop here or go on rapidly, in building the six 74 gun ships. In the latter case, 600,000 dollars will be wanted for these ships, in the present year. But if we may safely wait until the timber for the ships is properly seasoned, they will be infinitely better and more durable by many years, than if they are now built with timber cut from the woods only in the present winter, and consequently in a very green state—and if we can so wait, this 600,000 dollars will not be wanted for the present year.

If we stop here, we shall always be in a situation to lay the keels, and to proceed with such rapidity in building the ships, as to afford ground to hope that they may be sent to sea, in less than a year from the commencement of the building.

I have the honour to be,  
with real respect, Sir,  
Your most obedient  
Servant,

BENJAMIN STODDERT.

*Honourable R. G. Harper, Chair-*  
*man of the Committee of Ways*  
*and Means.*



R E P O R T

OF THE

*Committee of Claims,*

To whom were referred,

THE

P E T I T I O N S

OF

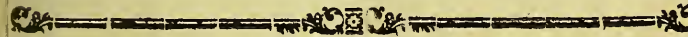
Temple Elliot, Simon Sommers,  
and William Boyce.

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25th February, 1870.

Committed to a Committee of the whole House,  
to-morrow.

*[Published by order of the House of Representatives.]*





# R E P O R T.

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*The* COMMITTEE of CLAIMS, *to whom were referred*  
*the several petitions of* TEMPLE ELLIOT, WILLIAM  
BOYCE, *and* SIMON SOMMERS,

## REPORT,

**T**HAT the several petitioners seek for grants of land from the United States, in consideration of services performed in the army of the United States, in the Virginia line, during the revolutionary war. A report on the said petition of Temple Elliot, was made upon the second of April 1798, and is herewith submitted; The Committee are of opinion it would be proper for the House to agree to the said report.

The petitions of Mr. Boyce, and Mr. Sommers, are grounded on the same principles with those of Mr. Elliot, and the Committee report that the same decision which shall be made on the petition of Mr. Elliot, should be applied to the others.

*The COMMITTEE of CLAIMS, to whom was referred  
the petition of Temple Elliot, heir of Thomas Elliot, late  
a Colonel in the army of the United States,*

REPORT—

**T**HAT the petitioner states, that the said Thomas Elliot was a colonel in the Virginia line of Continental troops, during the late war, and was induced to retire from service on account of the ill state of his health, at a period when he was not intitled to the bounty in lands engaged by law to certain officers and soldiers of the Continental army—That in consequence of his meritorious services however, the state of Virginia, by a special resolve, on the sixteenth day of June, one thousand seven hundred and eighty four, granted him a colonel's bounty in lands, which lands the petitioner has, at considerable expence, had surveyed, platted, and located, in the tract reserved from the cession made by the state of Virginia to the United States, for the purpose of satisfying the grants of land made by said state to officers and soldiers of the Virginia line, on continental establishment, but that he cannot obtain patents for the same from the President of the United States, without the special interposition of Congress.

The Committee find, that in the act of cession which passed in the state of Virginia, on the twentieth of October, one thousand seven hundred and eighty three, and which was accepted by Congress on the first day of March, one thousand seven hundred and eighty four, there is the following clause :—

“ That in case the quantity of good land on the  
“ South East side of the Ohio, upon the waters of Cum-  
“ berland river, and between the Green river and Ten-  
“ nesse river, which have been reserved by law for the  
“ Virginia troops upon Continental establishment,  
“ should from the North-Carolina line bearing in fur-  
“ ther upon the Cumberland lands than was expected,  
“ prove insufficient for the legal bounties, the sufficien-

“ cy shou'd be made up to the said troops in good  
“ lands to be laid off between the rivers Scioto and lit-  
“ tle Miami, on the North-West side of the river Ohio,  
“ in such proportion as has been engaged to them by  
“ the laws of Virginia.”

As it then appears by Mr. Elliot's statement, that the deceased Colonel Elliot was not within the provision contemplated by the act of cession, and the cession was in fact made to and accepted by Congress before any grant of lands was made to Colonel Elliot; the Committee are of opinion, that the petitioner has no legal or equitable claim to have the said grant of lands made by the state of Virginia satisfied out of lands of the United States, and therefore they recommend that he have leave to withdraw his petition.





REPORT  
OF THE  
COMMITTEE

APPOINTED

On the 10th December last,

TO ENQUIRE WHETHER ANY, AND WHAT ALTERA-  
TIONS ARE NECESSARY TO BE MADE IN THE  
JUDICIAL ESTABLISHMENT

OF THE  
TERRITORY  
NORTH-WEST OF THE OHIO,

AND TO DIVIDE THE SAID TERRITORY INTO  
TWO DISTINCT AND SEPARATE

GOVERNMENTS.

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3d March, 1800.

Committed to a Committee of the whole House, on  
Thursday next.

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*[Published by order of the House of Representatives]*

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1879

THE

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# R E P O R T.

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*The Committee to whom it was referred, to consider and report, whether any, and if any, what alteration is necessary in the Judiciary establishment of the Territory North-West of the Ohio; and who were directed to report their opinion, of the expediency of dividing said Territory into two distinct and separate Governments; do in obedience to such direction*

## REPORT—

**T**HAT parts of said Territory are subject to several serious inconveniencies, which require redress from the General government: most of the evils which they at present experience, are, in the opinion of this Committee, to be imputed to the very great extent of country at present comprised under their imperfect government. The Territory north-west of the Ohio from South-East to North-West fifteen hundred miles, and the actual distance of travelling from the places of holding courts the most remote from each other is thirteen hundred miles, and in a country so sparsely peopled and so little reclaimed from its native wildness, this distance alone seems to present barriers almost insuperable against the exercise of the functions of government, which always presupposes a knowledge of the condition of the several parts and the practicability of seasonable communication among the several organs.

In the three Western countries there has been but one court having cognizance of crimes in five years; and the immunity which offenders experience, attracts as to an asylum, the most vile and abandoned criminals, and at the same time deters useful and virtuous persons

from making settlements in such society. The extreme necessity of judiciary attention and assistance is experienced in civil, as well as criminal cases. The supplying to vacant places such necessary officers as may be wanted, such as clerks, recorders and others of like kind, is from the impossibility of correct notice and information utterly neglected. This Territory is exposed as a frontier, to foreign nations, whose agents can find sufficient interest in exciting or fomenting insurrection and discontent, as thereby they can more easily divert a valuable trade in furs from the United States, and also have a part thereof on which they border, which feels so little the cherishing hand of their proper government, or so little dread its energy, as to render their attachment perfectly uncertain and ambiguous. The Committee would farther suggest that the law of the 3d of March, 1791, granting land to certain persons in the Western part of said Territory, and directing the laying out of the same, remains inexecuted—That great discontent in consequence of such neglect is excited in those who were interested in the provision of said law, and which require the immediate attention of this Legislature. To administer a remedy to these evils it occurs to this Committee, that it is expedient that a division of said Territory into two distinct and separate governments should be made; and that such division be made, by a line beginning at the mouth of the Great Miami river, running directly North until it intersects the boundary between the United States and Canada.

In which case it is conceived, that the Western part may be permitted to go into the same stage of government as is now in use in said Territory, as the same is supposed to contain at the present time 15,000 inhabitants.

Your Committee therefore recommend to the House the adoption of the following resolution, *viz* :

*Resolved*, That the Territory North-West of the river Ohio, be divided into two distinct and separate governments, by a line beginning at the mouth of the Great Miami river and running through a North course until it intersects the boundary line between the United States and Canada.

## COPIES OF HABEUS CORPUS.

### Answer and Commitment.

- Middle circuit court of New-Jersey district, ff.  
- The president of the United States of America, to the keeper of the common goal or prison of the county of Middlesex, in the New-Jersey district, greeting: You are hereby commanded, that the bodies of William Brigstock, alias John Johnson, Johannis Williamson, alias Johan Jacob Williamson and Michael Campbell alias John Evans, in your prison detained; as is said, under a safe and secure conduct, together with the day and cause of their caption and detention, by whatsoever names they may be called, in the same you have before the justices of the circuit court of the United States, at the circuit court now holden before the justices aforesaid at Trenton; in and for the New-Jersey district on Thursday the fifth day of April instant, to do, receive and submit to, what the said justices shall then and there consider concerning them and each of them in this behalf: and have you then and there this writ. Witness, Oliver Elsworth, Esqr. chief justice at Trenton, the second day of April, in the year of our Lord one thousand seven hundred and ninety eight.

R. BOGGS, Clk.

L. H. Stockton. District Attr.

### ANSWER.

The answer of Peter Keenon, the keeper of the common gaol or prison of the county of Middlesex in the New-Jersey district to the writ whereunto this schedule is annexed.

The bodies of William Brigstock alias John Johnson, Johannis Williamson, alias Johan Jacob Williamson, and Michael Campbell, alias John Evans, the persons in the same writ named. I have before the court at the time and place within mentioned, for the



purposes therein contained, and the day and cause of their caption and detainer, I do hereby certify to be contained in the warrant of commitment hereunto annexed. Witness my hand this fifth day of April, An. Dom. 1798.

P. KEENON.

### COMMITMENT.

L. S. State of New-Jersey }  
City of Perth Amboy. } ff. The state of New-Jersey, to the marshal of the said city, and to the keeper of the goal at New Brunswick in the county of Middlesex greeting: Whereas Johannis Williamson, John Johnson and Michael Campbell, mariners on board the brig relief, now lying in the port of Perth Amboy aforesaid, have been arrested for suspicion of felony by them, as it is said, committed, in feloniously murdering on the high seas, the captain and other officers of his Britannic Majesty's ship the Hermione, and together with the rest of the crew of the said ship piratically delivering up the said ship Hermione to the officers of the king of Spain, now at war with his said Britannic Majesty—And Whereas it is stipulated in the treaty of amity and commerce between the United States and Great Britain, that persons committing murder or piracy in one of the said countries or within its jurisdiction, shall not receive protection or refuge in the other.

We therefore command you the said marshal forthwith to convey and deliver into the custody of the said keeper of the goal aforesaid, the bodies of the said Johannis Williamson, John Johnson and Michael Campbell, and you the said keeper are hereby required to receive the said Johannis Williamson, John Johnson and Michael Campbell into your custody in the said goal, and them safely keep until they are delivered by due course of law, or removed by the proper authority. Given under our hands and seals at Perth Amboy in the county of Middlesex, the tenth day of March, An. Dom. 1798.

ANDREW BELL, Recorder.  
JOHN RATTOONE, Aldr.

I certify the foregoing to be truly copied from the original habeus corpus answer, and commitment, remaining on file in my office. March 1st 1800.

ROBT. BOGGS, Clk.  
of the said court.

Circuit Court of United States New Jersey District.

*Copy of Minutes.*

I certify the within to be truly copied from the Minutes of the Circuit Court of the United States, in and for New Jersey District.

ROBERT BOGGS,  
Clerk of said Court.

March 1, 1800.

*COPY OF MINUTES.*

Circuit Court of the United States, holden at Trenton in and for New-Jersey district on wednesday the fourth day of April, in the year of our Lord one thousand seven hundred and ninety eight.

Present the hon.

Samuel Chace, esquire, one of  
the Justices of the supreme court.  
Robert Morris esquire,  
District Judge.

The United States,  
vs.

William Brigstock,  
alias John Johnson,  
Johannis Williamson,  
alias John Jacob Wil-  
liamson, and Michael  
Campbell, alias John  
Evans.

} The defendants being confined  
on a charge of piracy, in the  
common goal of the county  
of Middlesex; on motion of  
the district attorney, ordered  
that a Habeus Corpus, do  
issue, directed to the gaoler  
of the said prison command-  
ing him to bring into this  
court, the bodies of the said defendants.

*Thursday 5th April, 1798.*

Frances Martin, sworn as a witness to go before  
the grand jury.

*Friday, 6th April, 1798.*

The grand jury came into court, and being called  
over, they all appeared, and being asked if they had any  
thing to offer to the court, they presented the follow-  
ing bills of indictment,

The United States, }  
vs. }  
William Brigstock, } Indictment for murder on the  
otherwise called John } High Seas.  
Johnson, }

The United States, }  
vs. }  
The same. } Indictment for piracy.

The United States, }  
vs. }  
William Brigstock, } Indictment for piracy.  
alias John Johnson, }  
John Evans, alias Mi- }  
chael Campbell, Joan- }  
nes Williams, alias }  
Joannes Williamson. }

The court being informed by the district attorney,  
that a traverse jury will be wanted to try several crimi-  
nals, on indictments for Capital offences, ordered that  
one be legally summoned accordingly.

Monday, 9th April, 1798.

The United States, }  
vs. }  
William Brigstock, }  
alias John Johnston, }  
John Evans, alias Mi- }  
chael Campbell, Joan- }  
nes Williams, alias }  
Joannes Williamfon. }

Indictment for piracy.  
On motion of the district at-  
torney, ordered that the pri-  
soner be set to the bar  
that the marshal return the  
venire in this cause, and  
that the trial thereof come on  
—Whereupon the following

persons, after all challenges, were sworn and affirmed  
on the jury, viz.

- |                        |                         |
|------------------------|-------------------------|
| 1 Ellet Tucker         | 7 John Bellerjeau, Jun. |
| 2 John Morris, Jun.    | 8 Samuel Bellerjeau,    |
| 3 Albemarle Collins,   | 9 William Smith,        |
| 4 Joshua Newbold, afd. | 10 Joseph M'Culley      |
| 5 Joseph Brumley,      | 11 Enoch Cook,          |
| 6 Smith Hill,          | 12 Mahlon Reed.         |

For United States.  
LUCIUS H. STOCKTON,  
District Attorney.  
William Griffith, counsel.  
Witness  
Frances Marten, Sworn.

For the Defendants,  
Samuel Leatre and } coun-  
Aaron D. Woodruff } sel.  
Witness for Defendants  
Samuel Lay, Ann Huet  
John Bayley, Robert Boggs  
Richard Soderstrom,  
Thos. Lowrey.

The counsel summed up to the jury, and Judge Chace  
charged them, when they withdrew to consider of  
their verdict, with a constable sworn to attend them.

Court adjourned for an hour, and met again pur-  
uant to adjournment.

The jury came into Court, and being called over,  
they all appeared, and being asked if they had agreed  
on their verdict, they said they had, and by their  
Foreman, Ellet Tucker said they found the prisoners  
at the Bar, William Brigstock alias, John Johnston,  
John Evans alias, Michael Campbell, and Joannes  
Williams alias, Joannes Williamfon, and each of them,  
not guilty of the charge whereof they stand indicted  
respectively, and so they said all.

The Court order, that William Brigstock, alias John Johnston, be committed to the safe and close custody of the Marshal of the District, there to remain, until thence delivered by due course of Law.

*In October Sessions 1798*, Present the Honourable William Cushing Esq. one of the Justices of the Supreme Court; Robert Morris Esq. District Judge.

The United States } On indictment for murder.  
of America, } I will no further prosecute the  
vs } above indictment.  
William Brigstock. } LUCIUS HORATIO STOCKTON,  
Attorney of the United States for  
the New-Jersey District.

The United States of America, } On indictment for  
vs } murder.  
William Brigstock, } I will no further  
(a citizen of the United States.) } prosecute the a-  
bove indictment.  
LUCIUS HORATIO STOCKTON, Attorney of the  
United States, for the New-Jersey District.

*Notice to the Marshal, to discharge Brigstock.*

Circuit Court of the United States; Middle Circuit, New Jersey District.

The United States. }  
vs. }  
William Brigstock, } On Indictment for Murder.  
otherwise called }  
John Johnston. } J

The United States. }  
vs. }  
William Brigstock, } On Indictment { On two  
otherwise called John } for piracy. { Indictments.  
Johnston, (a Citizen }  
of the United States.) } J



Sir

Take notice that in obedience to the special command of the President of the United States, I have this day entered a *nolle prosequi*, on each of the above Indictments, and that it is the pleasure of the President of the United States, that the prisoner be discharged from your custody; and from answering further, or from being further held on the above indictments, or either of them. Dated at Trenton this 28th. of June A. D. 1798.

I am Sir, Your Obedient Servant.

To Thomas Lowry Esqr. }  
Marshal of the district of N. }  
J. or Thomson Stelle, Esq. }  
one of his deputies, or to the }  
keeper of the common pri- }  
son in the city of New Brun- }  
swick in the district of New }  
Jersey, or to any or either of }  
them. }

LUCIUS HORATIO  
STOCKTON, Attorney of  
the United States for the  
New Jersey district.

I certify the above to  
be a true copy of a notice  
remaning on file in my  
office.

ROBERT BOGGS, Clerk  
of the said Court.  
March 1st. 1800.



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Circuit Court of the United States, Middle }  
Circuit of the New-Jersey District. }

The United States, }  
(a.) } Indictment  
William Brigstock, otherwise } for  
called John Johnston. } murder.

A true Bill.

B. SMITH, *Foreman.*

The defendant being charged on this indictment,  
pleaded not guilty, &c.

R. BOGGS, *Clk.*

Et sic, &c.

LUCIUS HORATIO STOCKTON,  
*Attorney. U. S. N. J. District.*

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Circuit Court of the United States, }  
New-Jersey District, to wit, }

THE jurors and affirmants, in behalf of the United States of America, for the body of New-Jersey district, of the middle circuit, upon their respective oath and affirmation, present, That William Brigstock, otherwise called John Johnston, late of the kingdom of Great Britain, mariner, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on or about the twentieth day of September, in the year of our Lord one thousand seven hundred and ninety-seven, with force and arms upon the high seas, near the coast of the island of Porto Rico, in the West Indies, and out of the jurisdiction of any particular state of the

United States, and within the jurisdiction of this court, in and on board a certain armed frigate or vessel, called the *Hermione* (whereof a certain Hugh Pigot was then commander) then and there being, feloniously, wilfully, and of his malice aforethought, did make an assault in and upon one Foreshaw, one of the lieutenants then and there being on board of said armed frigate or vessel, in the peace of God and of the United States, then and there being, and to the armed frigate and vessel aforesaid, called the *Hermione*, then and there belonging, and that the aforesaid William Brigstock, otherwise called John Johnston, with a certain tomahawk of the value of eight-pence, which he the said William Brigstock, otherwise called John Johnston, then and there had and held in his right hand, did violently, feloniously, piratically, wilfully, and of his malice aforethought, beat and strike the aforesaid Foreshaw in and upon the right side of the head of the said Foreshaw, he the said Foreshaw then and there being on the high seas, in the armed frigate or vessel aforesaid, and within the jurisdiction of this court aforesaid, giving the said Foreshaw then and there, with the tomahawk aforesaid, in and upon the right part of the head aforesaid, of him the said Foreshaw, one mortal bruise, of which mortal bruise the aforesaid Foreshaw, from the said twentieth day of September, in the year aforesaid, until the twenty-first day of the said month of September, in the year aforesaid, upon the high seas aforesaid, in the armed frigate or vessel aforesaid, and within the jurisdiction aforesaid, did languish, and languishing did live, on which twenty-first day of September, in the year aforesaid, he, the said Foreshaw, on the high seas aforesaid, near the aforesaid coast of Porto Rico, in the West Indies aforesaid, in the armed frigate or vessel aforesaid, called the *Hermione*, without the jurisdiction of any particular state of the United States, and within the ju-

jurisdiction of this court aforesaid, *did die*; and so the jurors and affirmants aforesaid, upon their oath and affirmation aforesaid, do say, that the aforesaid William Brigstock, otherwise called John Johnston, him the said Foreshaw, upon the high seas aforesaid, in the armed frigate or vessel aforesaid, and within the jurisdiction of this court aforesaid, in manner and form aforesaid, feloniously, *piratically*, wilfully, and of his malice aforethought, did kill and murder, against the peace of the United States, and against the form of the statute in such case made and provided.

LUCIUS HORATIO STOCKTON, }  
*Attorney for the United States for the* }  
*New-Jersey District.* }

INDORSED.

Circuit Court of United }  
 States, Middle Circuit } ff. BY the special com-  
 New-Jersey District, } mand of the President of  
 the United States, a *nolle prosequi* is entered on  
 this indictment the twenty-eighth day of June, in  
 the year of our Lord one thousand seven hundred  
 and ninety-eight.

LUCIUS HORATIO STOCKTON,  
*Attorney of the United States for the*  
*New-Jersey District.*

CERTIFY the foregoing, together with the in-  
 dorsement, on the back or outside of this paper,  
 to be truly copied from the original indictment  
 remaining on file in my office.

ROBERT BOGGS,  
*Clerk of the said court.*

March 1st, 1800.



*Circuit Court of the United States, Middle }  
Circuit of the New-Jersey District. }*

<p>The United States, (v.) William Brigstock, otherwise called John Johnston, John Evans, otherwise called Mi- chael Campbell, and Joannes Williams, otherwise called Joannes Williamson,</p>	}	<p>Indictment for piracy.</p>
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A true Bill.

B. SMITH, *Foreman.*

The defendant being charged on this indictment,  
pleaded not guilty.

R. BOGGS, *Clk.*

Et sic. &c.

LUCIUS HORATIO STOCKTON,  
*Attorney U. S. N. J. District.*

*Circuit Court of the United States, }  
New-Jersey District, to wit, }*

THE jurors and affirmants, in behalf of the United States of America, for the body of New-Jersey district, of the Middle Circuit, upon their respective oath and affirmation, present, That William Brigstock, otherwise called John Johnston, John Evans, otherwise called Michael Campbell, and Joannes Williams, otherwise called Joannes Williamson, late of the kingdom of Great Britain, mariners, on the twentieth day of September, in the year of our Lord one thou-

and seven hundred and ninety-seven, with force and arms, and so forth, upon the high seas, and out of the jurisdiction of any particular state of the United States, and within the jurisdiction of this court, to wit, about ten leagues from Porto Rico in the West Indies, in parts beyond the seas, then being mariners in and on board a certain armed frigate or vessel, called the *Hermione*, belonging and appertaining to the king of Great Britain, whereof one Hugh Pigot, a subject of the said king of Great Britain, was then and there commander, did betray the trust in them reposed as mariners of the said armed frigate or vessel, and then and there, out of the jurisdiction of any particular state of the United States as aforesaid, upon the high seas aforesaid, and within the jurisdiction of this court aforesaid, with force and arms did turn pirates, and the same armed frigate or vessel, and the apparel and tackle thereof, of the value of fifty thousand dollars lawful money of the United States, and one silver tankard, of the value of fifty dollars like money, and one gold watch of the value of one hundred dollars of like money, and one silver spoon of the value of two dollars of like money, of the goods and chattels of certain subjects of the said king of Great Britain (to the Jurors and affirmants aforesaid as yet unknown) then and there being in the said armed frigate or vessel, called the *Hermione*, under the care and custody of the said Hugh Pigot, as commander thereof, then and there, upon the high seas aforesaid, without the jurisdiction of any particular state of the United States as aforesaid, and within the jurisdiction of this court as aforesaid, with force and arms from the care, custody and possession of the said Hugh Pigot, piratically, and feloniously did run away with (they the said William Brigstock, otherwise called John Johnston, John Evans, otherwise called Michael Campbell, and Joannes Williams, otherwise called

Joannes Williamson, then and there being mariners of the said armed frigate or vessel, and in and on board the same, on the high seas aforesaid) against the peace of the United States, and against the form of the statute in such case made and provided.

LUCIUS HORATIO STOCKTON,  
*Attorney of the United States for the  
District of New-Jersey.*

I CERTIFY the foregoing, together with the Indorsement on the back hereof, to be truly copied from the original indictment remaining on file in my office.

ROBERT BOGGS,  
*Clerk of the said court.*

March 1st, 1800.

*Circuit Court of the United States, Middle }  
Circuit of the New-Jersey District. }*

The United States,  
(a.) }  
William Brigstock, otherwise called } Indictment  
John Johnston, } for  
piracy.

A true Bill.

B. SMITH, *Foreman.*

*Circuit-Court of the United States, }  
of New-Jersey district, to wit, }*

THE jurors and affirmants, in behalf of the United States of America, for the body of New-Jersey district, of the middle circuit, upon their respective oath and affirmation, present, That William Brigstock, other-

wife called John Johnston, being a citizen of the state of New York, one of the United States of America, late of the kingdom of Great Britain, mariner, on the twentieth day of September, in the year of our Lord one thousand seven hundred and ninety-seven, with force and arms, and so forth, upon the high seas, and out of the jurisdiction of any particular state of the United States, and within the jurisdiction of this court, to wit, about ten leagues from Porto Rico in the West Indies, in parts beyond the seas, then being a mariner, to wit, the boatswain's mate in and on board a certain armed frigate or vessel, called the Hermione, belonging and appertaining to the king of Great Britain, whereof one Hugh Pigot, a subject of the said king of Great Britain, was then and there commander, did betray the trust in him reposed as a mariner, to wit, the boatswain's mate of the said armed frigate or vessel, and then and there out of the jurisdiction of any particular state of the United States, as aforesaid, upon the high seas aforesaid, and within the jurisdiction of this court aforesaid, with force and arms (together with divers other persons whose names are not at present known to the jurors and affirmants aforesaid) did turn a pirate, and the same armed frigate or vessel, and the apparel and tackle thereof, of the value of fifty thousand dollars, lawful money of the United States, and one silver tankard of the value of fifty dollars like money, and one gold watch of the value of one hundred dollars of like money, and one silver spoon of the value of two dollars of like money, of the goods and chattels of the said Hugh Pigot, and of other subjects of the said king of Great Britain, to the jurors and affirmants aforesaid as yet unknown, then and there being in the said armed frigate or vessel, called the Hermione, under the care and custody of the said Hugh Pigot, as commander thereof, then and there upon the high seas aforesaid, without the jurisdiction of any particular

state of the United States, as aforesaid, with force and arms, and so forth, from the care, custody and possession of the said Hugh Pigot, piratically and feloniously did run away with (he the said William Brigstock, otherwise called John Johnston, a citizen of the state of New-York, one of the United States of America, as aforesaid, then and there being a mariner, to wit, the boatswain's mate of the said armed frigate or vessel, and in and on board the same on the high seas aforesaid) against the peace of the United States, and against the form of the statute in such case made and provided.

LUCIUS HORATIO STOCKTON, }  
*Attorney of the United States, for the* }  
*New-Jersey District.*

*Circuit Court of United States,* }  
*Middle Circuit, New-Jersey* } ff: BY the special com-  
*District.* } mand of the President  
of the United States, a *nolle prosequi* is entered on  
this indictment the twenty-eighth day of June,  
A. D. 1798.


LUCIUS HORATIO STOCKTON,  
*Attorney of the United States for the*  
*New-Jersey District.*

I CERTIFY the foregoing, together with the indorsement on the back hereof, to be truly copied from the original indictment remaining on file in my office.

ROBERT BOGGS,  
*Clerk of the said Court.*

March 1st, 1800.





R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 8th of January last,

THE

P E T I T I O N

OF

STEPHEN SAYRE.

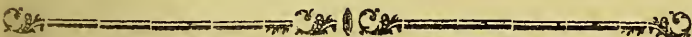


4th March, 1800.

Committed to a Committee of the whole House,  
to-morrow.

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[*Published by order of the House of Representatives.*]





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# R E P O R T.

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*The COMMITTEE of CLAIMS, to whom were re-committed the several petitions of STEPHEN SAYRE, with the several reports heretofore made thereon, have examined and considered the same together with the documents which have been presented for their inspection, and thereupon now respectfully submit to the House the following*

## REPORT,—

**T**HE object of the petitioner in his first petition appears to have been to obtain compensation for fundry services and expenditures which he said he made in Europe during the war with Great Britain.

A short statement of the measures pursued relative to this claim, and of the doings of Congress thereon, so far as the same have come to the knowledge of the Committee, is submitted, as tending to elucidate the nature of the demand, and leading to a proper decision thereon.

The services for which compensation is claimed, in one account signed by Mr. Sayre, under date of December 1st, 1797, are stated to have been performed from May 1777, to January 1779; and by this account he makes a balance due him from the United States to the amount of £. 4,643 6 8, sterling, equal to 20,637 dollars: in another account, signed also by Mr. Sayre, dated February 10th 1797, his services are stated to have been performed from May 1777, to September 1779, and by this account he makes a balance due him to the amount of £. 6,050 sterling, equal to 26,888 dollars and 88 cents. In one other statement previously

exhibited by him and dated January 1st, 1794, the United States, are debited for his services from May 1st, 1777, to September 5th, 1779, and two months for his return to America, being two years and six months, a principal sum, exclusive of interest, to amount of £. 2,500 sterling.

The first application which appears to have been made to Congress relative to this matter, was not till the 15th of February 1785; at which time it appears, by a letter addressed to the Secretary of Foreign Affairs, Mr. Sayre made a representation that he withdrew himself from Great-Britain, in February 1777, and went to Paris, with intention to embark for America; but it being proposed by the commissioners that he should go with Mr. Lee, to Berlin, he did so: That, when all prospects of doing any public business at that court were at an end, he repaired to Copenhagen and finally to Stockholm, where he was instrumental in rendering some essential services to his country; having made this representation he requested "to be favored with an opportunity of proving the facts above stated, the nature of the services he had rendered, and unfold, under proper circumstances, some matters of consequence to the public and to himself, and which he conceived could not with propriety be detailed in a public letter." This letter was laid before Congress, and on the 22d of the same month was referred to Mr. Jay, then Secretary of Foreign Affairs "to investigate the facts and report thereon."

Mr. Jay, by letter, under date of February 25th 1785, requested Mr. Sayre "to state accurately and particularly in writing, the facts and the evidence of them, on which his claims to compensation were founded." About six weeks afterwards, viz; on the 7th of April 1785, the Secretary made and submitted to Congress the following report, *viz.*

“ *The Secretary of the United States, for the Department of Foreign Affairs, to whom was referred back Mr. Sayre’s letter of the 15th February last, “ to investigate the facts and report thereon,”*

### REPORTS,—

“ **T**HAT agreeable to the order of Congress, he proceeded to investigate the facts in question, and in sundry conferences with Mr. Sayre, heard and received all that he thought proper to say or offer on the subject:

That the several matters laid before him by Mr. Sayre, may be arranged under the following heads, *viz* :

- 1st. His station and character.
- 2d. His political conduct, and his losses occasioned by it.
- 3d. His employment by the American commissioners.
- 4th. His services to America, when not so employed.
- 5th. His account for expenses, and right to compensation.

1st. On these points Mr. Sayre stated, that in the year 1775, he was an eminent banker in London, and in support of this fact produced a letter dated the 29th of June, 1775, from sir Simeon Stewart, a member of parliament, for the county of Hampshire. This letter is in packet (No. 1.) herewith sent.

That he enjoyed the friendship and good opinion of very distinguished characters; such as the late Lord Chatham, Lord Mahon, Lord Effingham, Baron Vander Cappellan, &c. And as evidence of this fact, produced sundry letters from them to him, which are also enclosed in packet (No. 1.) herewith sent.

That although his friends suffered by the failure of his bank, yet that their opinion of his honor and integrity remained unchanged. In proof of this, he produced three letters, two from William James, a merchant in London, of the 18th of November 1779, and the 18th of September 1782, the latter of these is not signed, and the letters W. I. are subscribed to the former, the



third letter was from John Robert Reynolds, a clergyman in London, dated in April 1782, and signed John Robert R. These three letters are also enclosed in the packet (No. 1,) herewith sent.

2d. His political conduct and his losses occasioned by it. On these points Mr. Sayre stated, that from the commencement of the late troubles, he took the American side of the question.

That he was one of the sheriffs of the city of London, and that he zealously promoted the opposition made to the then anti-American administration.

That becoming by such conduct very obnoxious to the ministry, he was on the 23d of October 1775, committed to the tower; and that the failure of his bank, and the loss of a very considerable part of his property was owing to that circumstance.

That a strong attachment to the cause and service of his country induced him to quit England and go to Paris, at a time when Lord Rockingham and other noblemen endeavored to prevail upon him to stay, by promising him a seat in the House of Commons, and a respectable place under government, as soon as a change in the ministry should be effected.

3d. His employment by the American commissioners. On this point Mr. Sayre stated, that in 1777, he went at the instance of the American commissioners, with Mr. A. Lee, to Berlin. In support of this fact, there are in this office two letters from Mr. Lee, to the secret Committee, of the 13th May, and 11th of June 1777, extracts from which are enclosed in the packet (No. 2,) herewith sent.

That at the time when the commissioners requested him to go to Berlin, they promised to recommend him to Congress, for some appointment.

That Mr. Lee, *staid at Berlin about five weeks, and then returned to Paris.*

That he remained at Berlin five months, at the request of the commissioners; *but no other evidence of their having made such request appears.*

That in 1778, he went to Copenhagen, at the re-

quest of the commissioners, and for evidence of this referred to the subject and tenor of a letter he wrote the 7th November, 1778, to Doctor Franklin, and the Doctor's answer of 25th December 1778; and to a letter from Francis Lewis, Esquire, to your secretary, dated the 16th ult. These three papers are enclosed in packet No. 2, herewith sent.

4th. His serving America, though not actually employed by the commissioners. On this point Mr. Sayre stated particularly—

That in 1779, the French minister, at Copenhagen, advised him to go to Stockholm, where there was a prospect of his being useful to America. Of this advice, *no other evidence appears*: but for proof of his being there, he referred to two letters, one from Jacob de Rou, of the 26th February 1779, and the other from Doctor Franklin, of 31st of March 1779, both of which are enclosed in the packet No. 3, herewith sent. Mr. Sayre explained the nature of his negotiations there; and, from his account of them, they were on great subjects, and of extensive influence.

Mr. Sayre was apprized that the evidence of the a foregoing facts, which resulted from his letters and papers, was less full and particular than might have been expected, and he assigned two reasons for it: 1. That during the war, and especially in 1777, many letters passing from France to America miscarried; and 2. That the disputes which then subsisted between the commissioners, occasioned his receiving so few letters from them.

5th. His account for expences and right to compensation.

His account is herewith sent, and marked No. 4.

Your Secretary is of opinion, that Mr. Sayre is entitled to a reasonable compensation for his expenses and services while actually employed by the American commissioners; for that although unsolicited and meritorious exertions in the cause of one's country may create claims to acknowledgement and attention, yet that *they cannot*

(unless in certain rare and particular cases) *be considered as a proper foundation for pecuniary demands.*

Your Secretary therefore thinks, that a copy of this report should be transmitted to Dr. Franklin and Mr. A. Lee, and that they be desired to inform Congress exactly how far, and in what manner and capacity, and upon what terms or expectations of reward they had employed Mr. Sayre, to the end that Congress may thereby be enabled to do full justice to him as a public servant.

As to such of Mr. Sayre's services as do not fall within that line, he thinks it would not become him to suggest whether any or what degree or kind of acknowledgement should be made to him; especially as the order of reference in pursuance of which this report is made, does not appear to him to comprehend either of those delicate questions.

All which is submitted to the wisdom of Congress.

(Signed)

JOHN JAY.

*Office for Foreign Affairs, }  
April 7th, 1785. }*

Here the whole business seems to have rested for more than eight years and an half longer. We learn nothing further respecting it till the 27th of December 1793, when a petition was presented to the House of Representatives by Mr. Sayre, in which he states his having accompanied Mr. Lee to Berlin; that he had been encouraged to expect some diplomatic appointment under the United States, and represents himself as having been the principal agent in effecting the armed neutrality; that to bring that object to maturity he was obliged to visit Stockholm, and "in six weeks after his arrival there he was assured in a personal conversation, by the King himself, that he would not only adopt every part of the system, but would press it upon the Empress of Russia immediately and incessantly to make the first declaration of it". This the petitioner

states he well knows the King positively did; *having, after that declaration, himself been at St. Petersburg to profit under its influence as a merchant.* He further says, that upon his return to Paris in August 1779, he applied to Mr. Franklin for repayment of the monies he had expended for the publick; "but was answered, *that he must apply to Congress: that he did so in 1785, but as informed they were not then able to satisfy him; he therefore returned to Europe resolving to wait events; and concludes his petition by a request that a committee might be appointed to examine his papers and make a report.*"

This petition was referred to Mr. Randolph, then Secretary of State, who made a report thereon favourable to the petitioner, and recommending that he should "be considered as Secretary for the period of four months, and settled with as such, after deducting a credit of £83 6 8 received by him in May 1777". This report was referred to a Committee of the House of Representatives, consisting of Mr. Parker, Mr. Smilie, and Mr. Bailey, who, upon the 5th of May 1794, made a report, stating as their opinion "that Stephen Sayre was entitled to pay for his services whilst acting as Secretary to Commissioner Arthur Lee, at Berlin, and going thence, at the rate of one thousand pounds sterling per annum; and also, entitled to three months pay, at the same rate, for subsistence in returning to the United States, with interest until paid, after deducting eighty three pounds six shillings and eight pence sterling, paid him by the Commissioners at Paris".

In conformity to this opinion, the same Committee submitted to the consideration of the House, a resolution, "that the accounting officers of the Treasury be directed to credit and settle the account of Stephen Sayre, *as Secretary to the Legation of the American Commission at Berlin,* and that they allow him seven months pay at the rate of one thousand pounds sterling per annum, with interest thereon till paid."



The Committee, at the same time, also submitted another resolution, recommending that he should be allowed a sum (not defined by the Committee) "for extra services rendered the United States, subsequent to the departure of Arthur Lee from the court of Berlin".

These reports were afterwards committed to a Committee of the whole House, and, with all the documents accompanying the same, were taken under consideration: after very lengthy discussions, on the 15th and 16th of December 1794, the resolutions aforesaid were severally disagreed to, and it was resolved "that the said Stephen Sayre have leave to withdraw his petition".

To the next Congress, on the 29th of March 1796, the petitioner presented another memorial, complaining of the decision of the former House, and again urging an allowance of his demands. On the last mentioned memorial no decision has yet been had. It is the one now under consideration.

The Committee have with care and diligence examined and endeavored to investigate facts, that they might be enabled to bring the subject fairly into the view of the House.

No important circumstances, or documents are exhibited by Mr. Sayre, which were not fully known and apparent at the time when Mr. Jay made his report, nearly fifteen years ago, and which have not been before Congress and considered.

But there is one circumstance mentioned in the report of Mr. Randolph, for which the Committee cannot account: whether the Secretary intended to state it as a fact which he had ascertained, or as a statement made by Mr. Sayre, in either case it does not appear to be correct: speaking of the commissioners he says "that not a single letter, in their correspondence with Congress, though supported with diligence and attention, reached that body, from the 2d of June, to the 8th of September 1777; whereby he has lost the opportunity of finding any mention of himself or of the engagements of the commissioners to him." By recourse to the re-



cords in the office of the present Secretary of State, divers public letters are found which were written by the commissioners in the year 1777, and several within the abovementioned period, in none of them however do the Committee find any mention made of Mr. Sayre, excepting in those referred to in Mr. Jay's report.

It appears by a letter dated April 19th 1777, from the commissioners at Paris, to Baron Schulenburg, that they had it in contemplation that one of them should go to Berlin "to explain personally the situation of America, the nature, extent and importance of its commerce, and the methods by which it might be carried on with Prussia, to mutual advantage."

Pursuant to that plan, it appears, that in the month of May following, Mr. Lee did go to Berlin: that writing to the secret Committee of Congress on the subject of his proposed journey, on the 13th of May, he remarks "*that Mr. Sayre was to accompany him as Secretary; Mr. Carmichael, having refused to go, unless the commissioners would give him a commission, which they did not think themselves authorized to do.*" After his arrival, which was on the 4th of June, in another letter dated the 11th of that month, he says "Mr. Sayre, accompanies me in the place of Mr. Carmichael, who after promising, refused to go."

These are the two letters before mentioned, referred to by Mr. Jay; and are the only ones in which Mr. Sayre's name is found. By the after correspondence it appears, that the court of Berlin having refused to acknowledge the independence of the United States, Mr. Lee, after a residence of about five weeks, took his departure and returned to Paris.

There can be no doubt but Mr. Sayre, remained sometime afterwards at Berlin, but the Committee cannot say they are satisfied he tarried as a Secretary of legation, or as Chargé-des-Affairs, or as a public or an authorized agent: on the contrary they verily believe he remained with views to his own private emolument; but, as in divers instances he has made the declaration,

they doubt not he hoped for, and probably expected some appointment from the United States. In this expectation he seems to have been disappointed.

In a statement made by him which was printed and which he called *the case of Stephen Sayre*, speaking of their being at Berlin, to account for a deficiency of papers and evidence, he says "that all their letters, both public and private, were taken by their servant out of their trunks, at the time Mr. Lee remained at Berlin."

Among Mr. Lee's letters is one, addressed to the secret Committee of Congress, dated at Paris the 29th of July 1777, giving a particular account of his negotiations at Berlin: the following paragraph relative to the loss of papers is extracted from that letter, viz. "Whilst I was at dinner one day, some person contrived to get into my chamber, which was locked and broke open my desk, from whence he took all my papers. I soon discovered the robbery, and alarming the police, the English Envoy, who happened to be on a visit to the hotel when the alarm was given, immediately went home and *in a few minutes the papers were all returned apparently unopened.*" Had Mr. Sayre been left at Berlin, in any public capacity, it is reasonable to suppose that the circumstance would have been mentioned by Mr. Lee, in making this report for the information of Congress. Nothing of this kind is found.

In the same printed statement made by the petitioner, the Committee find a reference to a letter from him to Doctor Franklin, dated November 7th, 1778, and to the Doctor's answer of the 25th of December following. Upon examining the papers, so far from finding any thing to confirm the idea of Mr. Sayre's acting as an authorized public agent, they find him engaged on the subject of a commercial speculation, and proposing that a vessel should be laden with military stores and sent to the state of Virginia, in Maryland, and to return with Tobacco, and that he should have the direction as supercargo. He strenuously urges the measure as one

which in its consequences might be beneficial to the United States, and suggests that "should any want of confidence still appear, he hopes the consignment of the ship and cargo would be thought safe, if Mr. Francis Lewis should be joined with him: that he should have no objection to that, because he had always been his friend and patron in the line of commerce."

Doctor Franklin in his answer evidently considers the subject *as a private speculation*, and addresses Mr. Sayre in the following words: "I have considered the proposition you mention, and have given my approbation to it in the fullest manner. If it is carried into execution I wish you all the success imaginable".

Inclosed within the same letter from Doctor Franklin, the Committee find a small piece of paper signed by him, which *Mr. Sayre says* was sent by Mr. Franklin to the *Danish Minister*, and couched in the following terms.

"PASSY, Dec. 25, 1778. I have considered this proposition and see no objection to it. I will write to the Congress in favour of it, if desired. The Congress, it is to be presumed, will draw no bills of exchange on me without enabling me to pay them. We have paid all their bills hitherto. I have no doubt of Mr. Sayre's being well received by the Congress, agreeable to them, and very proper to be employed in establishing the proposed connection of commerce."

Mr. Sayre contends that he ought to be considered as a *Secretary of Legation*, and that as such, under the resolutions of Congress in force at the time, he was entitled to a salary at the rate of £1000 per annum. The Committee do not so view the question. It does not appear that any gentleman ever held the office of Secretary of Legation but by an explicit appointment and commission from Congress. Mr. Sayre agreed to accompany Mr. Lee to Berlin. Mr. Lee in a letter styles him *his Secretary*, which he well might, and yet Mr. Sayre not be considered as Secretary of Legation.—While accompanying Mr. Lee on the excursion to and

at Berlin Mr. Sayre may properly be considered as his *private Secretary*. On the settlement of Mr. Lee's accounts at the Treasury he stated, that Mr. Ludwell Lee acted *as his Secretary* from the 25th of March 1778 to 25th of March 1780: he was allowed a salary at the rate of £300 per annum, and no more, and the account was settled accordingly.

Viewing Mr. Sayre, in the same capacity, the Committee see no reason why a distinction should be made between them. By a receipt filed at the Treasury, it appears that he received from Mr. Lee, the sum of 2000 livres, on account of his journey to Berlin. This was allowed to him on the 15th of May 1777, previous to his leaving Paris, and has since been allowed by the public, to the credit of Mr. Lee. It is to be noticed that sum is equal to a salary, at the aforementioned rate, for more than three months, and for a longer period than the mission to Berlin continued.

It appears very extraordinary as Doctor Franklin and Mr. Lee were both living at the time when Mr. Jay's report was made, and as they both lived many years afterwards and until a considerable time after the adoption of the present government, if Mr. Sayre had well founded claims against the United States, which had not been satisfied, which those gentlemen only could substantiate, that he should not have applied for and procured certificates from them: so far from having done that in proper season, after he was apprized that their testimony was requisite to the adjustment of the account, he waited till they were both dead before he brought the subject again before Congress. This appeared the more extraordinary to the Committee when they were informed that Mr. Lee was actually present in New-York, at the time when Mr. Jay's report was made, and that Mr. Sayre was there also.

Having received this intelligence and accidentally learning that a gentleman of this city was at that time Secretary to the then President of Congress, and frequently in company with Mr. Lee, the Committee



thought it possible his opinion might have been expressed and even now be ascertained—application was therefore made to ascertain the fact, and it was stated in answer that Mr. Lee had in conversation expressed an opinion against the propriety of the claim. The Committee also enquired of Mr. Sayre, why he did not apply to and procure a certificate from Mr. Lee; his answer was that he did show the report to Mr. Lee—but he refused to give him any certificate to substantiate his claim, and further added that there had been a personal quarrel between Mr. Lee and himself.

It is not in proof before the Committee that any application was ever made or attempted to be made to Doctor Franklin, after the one which Mr. Sayre states that he made in August 1779, when his application for payment was refused, and he was referred to Congress. There might have been sufficient opportunities for the purpose, had the petitioner been disposed to improve them.—Doctor Franklin lived till the spring of the year 1790.

The petitioner has exhibited no evidence to the Committee which they conceive to be material, which was not before the House when the former decision was made:—upon an attentive and full consideration of the subject the committee are of opinion the former decision was a proper one—that it should be confirmed, and that the petitioner should again have leave to withdraw his petition.



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R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 9th of January last,

THE

M E M O R I A L

OF

DAVID JONES, & WILLIAM ROGERS.

---

10th March, 1800.

Committed to the Committee of the whole House, to  
whom is Committed the report of the Com-  
mittee of Claims, on the petitions of  
TEMPLE ELLIOT, and others.

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*Published by order of the House of Representatives.]*

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# R E P O R T.

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*The Committee of Claims to whom was referred the Petition of David Jones and William Rogers.*

## REPORT—

**T**HAT they represent that they “had the honor of serving the United States in the capacity of Brigade Chaplains, in the Pennsylvania line, during the revolutionary war with Great Britain, and that, as public servants, they think themselves entitled to all the favors and emoluments conferred on the other parts of the army”—that finding they were not entitled by the former resolution of Congress to military bounty lands, and apprehending the omission was not intentional, they now, in their own behalf and that of their absent brethern, solicit Congress to grant to the late Caplains, such quantities of land as they may be thought to merit.

It is understood that the Chaplains regularly appointed to the several brigades of the late continental army, and who served till the close of the war, were entitled to, and did receive the same pay and emoluments as were granted and paid to Lieutenant Colonels in the line of the army, the right to military bounty lands only excepted.

When the grants of land were promised by Congress to such officers and soldiers as should engage and actually serve in the army till the close of the war, it does not appear that it was thought proper or expedient to extend the promise of such grants to the Chaplains, nor

does it appear whether the question was or was not agitated. It is presumable that Congress then supposed the encouragement offered to gentlemen to serve in that capacity was sufficient.—The committee are of opinion at this late day it would not be expedient or adviseable to go into a consideration of the subject, and therefore recommend that the petitioners should have leave to withdraw their petition.

COMMITTEE

APPOINTED

On the 10th of December 1833

JOHN C. CALHOUN

OF THE

PRESIDENT'S SPEECH

As read in the Senate and House of Representatives  
January 1834





R E P O R T

I N P A R T,

O F T H E

C O M M I T T E E

A P P O I N T E D

O n t h e 9 t h o f D e c e m b e r l a s t ,

O N S O M U C H

O F T H E

P R E S I D E N T ' S S P E E C H ,

As relates to "a Revision and Amendment of the  
Judiciary System."

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11th March, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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[*Published by order of the House of Representatives.*]

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# REPORT.

The Commission is pleased to report that the work of the  
Department of the Interior, during the year ending  
March 31, 1904, has been of a most successful character.  
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Department of the Interior, during the year ending  
March 31, 1904, has been of a most successful character.

F. I. N. D.

THAT from its great extent and importance it  
ought to be treated under special distinct plans.  
The first and most important of these relate to the  
general government and jurisdiction of the courts in  
which operate the Commission's projects, and these  
and report a full and complete review of the  
power of making a further report on the other  
as of the report related to them.



# R E P O R T.

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*The COMMITTEE to whom was referred, so much of the Speech of the President of the United States, to both Houses of Congress, at the commencement of the present session, as relates to "a Revision and Amendment of the Judiciary System" having taken that subject under their consideration,*

F I N D,

**T**HAT from its great extent and importance, it ought to be treated under several distinct heads. The first and most important of these relates to the organization, powers, and jurisdiction of the courts; for which objects the Committee have proposed, and herewith report, a bill in part, reserving to themselves the power of making a further report, on the other branches of the subject referred to them.

R E P O R T

Committee of Claims

SEVERAL PETITIONS

THOMAS PROTHINGHAM

WASHINGTON AND ALLEGANY

OR ANDREW HINDLEY

P E T I T I O N S

1830

Printed by G. W. Wood, at the Office of the Reporter of the Court of Appeals, No. 100, Broadway, New York.



R E P O R T

OF THE

*Committee of Claims,*

To whom were referred,

THE

SEVERAL PETITIONS

OF

THOMAS FROTHINGHAM,

OF MASSACHUSETTS;

OF SUNDRY CITIZENS AND INHABITANTS OF THE

COUNTIES OF

WASHINGTON AND ALLEGANY;

OF ANDREW FINDLEY,

And others, citizens of Westmoreland County; and  
the Memorial of sundry inhabitants of the four  
Western Counties of

P E N N S Y L V A N I A.

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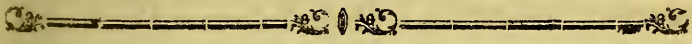
11th March, 1800.

Committed to a Committee of the whole House on  
Monday next.

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*Published by order of the House of Representatives.*

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# R E P O R T.

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*The COMMITTEE of CLAIMS, to whom were referred the several petitions of THOMAS FROTHINGHAM, of Massachusetts; of sundry citizens and inhabitants of the counties of Washington and Allegany; of ANDREW FINDLEY and others, citizens of Westmoreland County; and the Memorial of sundry inhabitants of the four Western Counties of Pennsylvania, )*

## REPORT,—

**T**HAT these petitions, with the documents accompanying the same, were heretofore referred to the Committee of Claims, who, on the 15th of February 1797, and on the 5th of April 1798, made reports thereon—That those reports were severally committed to a Committee of the whole House, but do not appear to have been decided on: they are hereunto annexed, and in the opinion of the Committee it would be proper for the House to concur therein.

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*The COMMITTEE of CLAIMS, to whom was referred the petition of THOMAS FROTHINGHAM,*

## REPORT,—

**T**HAT this petitioner prays for compensation for a dwelling house, the property of his late mother, burned at Charlestown, in Massachusetts, in March 1776,

by order of General Sullivan, then commanding the American troops at that place: the Committee find that the House, for which compensation is now sought, was, with several other buildings in the vicinity, at that time in possession of the British troops; and that, for the purpose of dislodging them, General Sullivan sent a party of troops with orders to set fire to the buildings, which was done accordingly.

The Committee apprehend, that the loss of Houses and other sufferings by the general ravages of war, have never been compensated by this or any other government. In the history of our revolution sundry decisions of Congress against claims of this nature may be found. In the present case the claim rests on the same basis with all others where sufferings arise from the ravages of war. As government have not adopted a general rule to compensate individuals who have suffered in a similar manner, the Committee are of opinion the prayer of this petition cannot be granted.

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*The COMMITTEE of CLAIMS, to whom were referred the petition of sundry citizens and inhabitants of the counties of Washington and Allegany; and the petition of ANDREW FINDLEY, and others, citizens of Westmoreland County; and the Memorial of sundry inhabitants of the four Western Counties of the state of Pennsylvania,*

## REPORT,

**T**HAT the petitioners seek compensation for sundry losses and damages which they alledge to have sustained by the militia army, which was ordered into those counties to suppress the insurrection in the year 1794.

It is not in proof before the Committee whether any, or if any, what losses or damages was sustained by the petitioners;—If the petitioners furnished supplies for the army, or had their property taken or used by the

the public, the powers of the accounting officers are adequate to the settlement and liquidation of their demands—but if their demands are not of a nature to come within the authority of such officers for settlement, they must stand on the same basis with all others where sufferings result from the ravages of war.

Government have never made a general rule to compensate people who have suffered in a similar manner; and the Committee conceive, that it would not be expedient to make any special legislative provision for them.

A report against the first mentioned petition was made on the 31st of May 1796; but that report has never been acted upon by the House. The Committee are of opinion that the prayer of these petitions and Memorial ought not to be granted.



R E P O R T

OF THE

C O M M I T T E E

To whom was referred on the 21st of February last,

THE

P E T I T I O N

OF

SUNDRY INHABITANTS

OF

M O U N T - P L E A S A N T

IN THE

STATE OF NEW-YORK.

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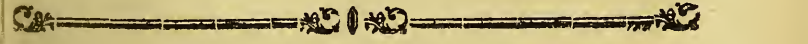
11th March, 1800.

Committed to a Committee of the whole House on  
Monday next.

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[*Published by order of the House of Representatives.*]

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# REPORT

The following report was prepared by the Committee on the Administration of the Department of the Interior, and is submitted to the Senate in accordance with the provisions of the Act of March 3, 1877, (20 Stat. 402).

## CONTENTS

The following report was prepared by the Committee on the Administration of the Department of the Interior, and is submitted to the Senate in accordance with the provisions of the Act of March 3, 1877, (20 Stat. 402).

The report is divided into two parts: the first part contains a general statement of the condition of the Department at the beginning of the year, and the second part contains a detailed statement of the operations of the Department during the year.

The first part of the report is divided into three sections: the first section contains a statement of the condition of the Department at the beginning of the year, the second section contains a statement of the condition of the Department at the end of the year, and the third section contains a statement of the changes in the condition of the Department during the year.

The second part of the report is divided into four sections: the first section contains a statement of the operations of the Department during the year, the second section contains a statement of the operations of the Department during the year, the third section contains a statement of the operations of the Department during the year, and the fourth section contains a statement of the operations of the Department during the year.



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# R E P O R T.

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*The Committee to whom was referred the Petition of sundry Aliens residing at Mount-Pleasant in the State of New-York—*

## REPORT,—

**T**HAT these petitioners state, that they came into the United States before the passing of the law of June 1798 respecting the naturalization of Aliens, and might have made the declarations required by the law of January 1795, and brought themselves within the proviso of the law first mentioned, and secured the right of naturalization after a residence of five years within the United States; but having omitted to make the declaration required, they are obliged to reside fourteen years within the United States before they can become citizens thereof.—They request that the legislature will pass an act which shall secure to them the same rights which they would have received had they made the declaration required by the law of January 1795.

The Committee can see nothing in this case which can warrant a deviation from the general rule.—

They believe the law of June 1798 to be founded on fair and just principles, and that a probation of fourteen years is not generally more than sufficient to conciliate the feelings of aliens to the manners, laws and government of a country into which they remove as strangers, and that the attachment which every honest mind feels to the country which gave him birth, and in which he has formed his early attachments, will not probably in

the short space of five years, be so far obliterated as to make it safe or prudent for this government to repose that confidence in him, which it must place in its own citizens. The committee are therefore of opinion that the prayer of this petition ought not to be granted.

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# R E P O R T

OF

THE COMMITTEE,

*To whom was re-committed the report on the  
petition of Cato West, and others,*

TOGETHER WITH

*A MOTION ON THE SUBJECT OF THE SAID  
PETITION.*

---

13th March, 1800.

*Committed to a Committee of the Whole House  
to-morrow.*

---



## R E P O R T.

*The Committee to whom was re-committed, the Report upon the petition of Cato West and others, together with certain Resolutions, submitted to the House, on the 10th inst. proposing an abridgment of the powers granted to the Governor of the Mississippi Territory, are of opinion, that it would be inexpedient to adopt the said Resolutions for the following Reasons.*

1st. THAT from the infancy of the Mississippi Settlements, and their remote situation from the Seat of the Federal Government, it is advisable that the Government of the United States, should possess a controul over the proceedings of the Territorial Legislature, which can alone be effected through the medium of the Territorial Governor, whose responsibility, it is presumed will prevent an improper use of any powers granted.

2d. That the Territorial Government will only be temporary, and if in the progress of the administration thereof, the system should prove defective, the necessary alterations will, no doubt, be made by Congress.

3d. That the petitioners solicited *only*, the benefits of the ordinance in its *second* Grade, which in the Report heretofore made, on the petition of Cato West and others, the House was advised, immediately to extend to the Mississippi Territory;—This measure, the Committee still think, is dictated by policy and justice, and again recommend the adoption of the Resolutions contained in the said Report.

---

RESOLVED, That from and after the organization of the Territorial Assembly of the Mississippi Territory; the Governor shall nominate, and by and with the advice and consent of the Legislative council, shall appoint all officers both civil and military of the Territory, whose appointments are not particularly vested in Congress by the ordinance;—Provided, that the Governor shall have power to fill up all vacancies which may happen, during the recess of the Legislative council, by granting commissions which shall expire at the end of their next session.



RESOLVED, That every Bill which shall have passed the House of Representatives and the Legislative council, shall, before it become a Law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journals, and proceed to re-consider it. If after such reconsideration, two thirds of that House, shall agree to pass the Bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. If any Bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a Law, in like manner as if he had signed it,—unless the general assembly, by their adjournment prevent its return, in which case, it shall not be a Law.

RESOLVED, That every order, Resolution or vote, to which the concurrence of the Legislative council and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the Governor of the Territory; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by two thirds of the Senate, and House of Representatives, according to the rules and limitations prescribed in the case of a Bill.

RESOLVED, That the General Assembly meet at least once in every year, and such meeting shall be on the        day of        unless they shall by Law appoint a different day;—Provided, that the Governor shall have power on extraordinary occasions, to convene both Houses of the General Assembly, or either of them.

RESOLVED, That neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.



R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 12th of December last,

THE

M E M O R I A L

OF

*James Somervell and Henry T. Compton,*

GUARDIANS OF THE ORPHAN  
CHILDREN OF THE LATE

MAJOR ALEXANDER TRUEMAN.

---

14th March, 1800.

Committed to a Committee of the whole House on  
Monday next.

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[*Published by order of the House of Representatives.*]

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# R E P O R T.

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*The COMMITTEE OF CLAIMS to whom was referred the Memorial of James Somervell and Henry T. Compton, guardians of the orphan children of the late Major Alexander Trueman,*

## REPORT—

**T**HAT Major Trueman was employed in carrying messages of peace to the hostile Indians, and in the month of June, 1792, was killed by the Indians: that at the next meeting of Congress provision was made for the children of the said Major Trueman, as well as for the widow and children of Colonel John Harding, who was killed by the Indians about the same time and on a similar embassy.

Upon the 27th day of February, 1793, Congress passed a law, by which it was enacted, “That four hundred and fifty dollars per annum, for seven years, be allowed to the widow and orphan children of the said Colonel John Harding, and the sum of three hundred dollars per annum, for the same term of seven years, to the orphan children of the said Major Alexander Trueman, to commence on the fifth day of July, one thousand seven hundred and ninety two, and to be paid half yearly, at the treasury, to the said widow, and to the guardians of the said orphan children, or to their legal attorneys”.

That afterwards, on the 7th day of June 1794, Congress passed another law, by which it was enacted “that if any commissioned officer in the troops of the United States, shall, while in the service of the United States,

die, by reason of wounds received in actual service of the United States, and shall leave a widow, or if no widow, shall leave a child or children under age, such widow, or if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay, to which the deceased was entitled, at the time of his death, for and during the term of five years."

On the 14th of March 1798, "An act to provide for the widows and orphans of certain deceased officers" was passed, by which "the provisions for widows and orphans of commissioned officers of troops of the United States", as above recited in the act of the 7th of June 1794, were "extended to the widows and orphan children of commissioned officers of the troops of the United States, and of the militia, who have died by reason of wounds received since the fourth day of March one thousand seven hundred and eighty nine, in the actual service of the United States".

The memorialists state, that apprehending the said children were further entitled, under the last mentioned act, they had applied to the proper department for the allowance; but the officers were not satisfied that the provisions of said act embraced their case.

Considering themselves not to be authorized, the said officers refused to allow and adjust the said claims.—The object of this memorial is to obtain an interference of Congress, specially directing the allowance contemplated by the said last-mentioned act, to be extended to the said children.

It is a circumstance within the recollection of several gentlemen of the House, that the act of the 14th of March, 1798, did pass in consequence of the petitions and memorials of certain widows, &c. individuals, who thought themselves to be as reasonably entitled to have some provision made for them, as those were who had been theretofore relieved.

When the question for the relief of those individuals was under consideration, as there were other widows and children who, though they had not yet made application, were as much entitled to the compassion of gov-



ernment, and whose circumstances were equally pitiable, it was thought best to extend the principle generally, to all cases of a similar nature which had occurred since the establishment of the present constitution. The last-mentioned act was accordingly passed; contemplating, as the committee suppose, only those cases which had not been specially provided for by Congress.

By the statement hereunto subjoined, it appears, that the wards of the petitioners have received two thousand one hundred dollars, in virtue of the grant made by the special act; which sum is six hundred dollars more than they could have been entitled to receive under the general provision.

If the special act had granted less than the general provision, they would undoubtedly have had a good claim for the difference.

The committee are of opinion, that the decision of the accounting officers, upon the application made to them, was right and proper, and that the prayer of the memorial ought not to be granted.

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*STATEMENT exhibiting the sums authorized to be paid to the orphan children of the late Major Alexander Trueman, by a special act of Congress of the 27th of February, 1793, and the sum which the acts of Congress of the 7th June, 1794, and 14th March, 1798, would authorize to be paid to them, if construed to include their case.*

	<i>Dolls.</i>		<i>Dolls.</i>
To this sum, which the acts of the 7th June, 1794, and the 14th March, 1789, would authorize,	1,500	By this sum per special act of the 27th February, 1793, paid from 1st July, 1792, to 30th June, 1799, which completes the term mentioned in said act,	2,100
Balance,	600		
Dollars,	2,100	Balance in favour of the orphan children of the said Trueman, under special act,	600



L E T T E R

FROM

ARTHUR ST. CLAIR,

*Governor of the North-western Territory,*

ON THE

Subject of a Division of the said Territory;

AND THE

P E T I T I O N

OF

GEORGE TEVEBAUGH AND OTHERS,

Inhabitants of Knox county,

IN THE

NORTH-WESTERN TERRITORY.

---

*Read the 14th. March 1800.*

Ordered to lie on the Table.

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*Printed by order of the House of Representatives of the United States.*

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*Philadelphia:*

PRINTED BY ZACHARIAH POULSON, JUNIOR,

No. 106, *Chestnut-street.*

1800.



# L E T T E R

FROM

ARTHUR ST. CLAIR,

*Governor of the North-western Territory,*

ON THE

Subject of a Division of the said Territory.

---

*To William Henry Harrison, Esquire, delegate in  
Congress for the North Western-Territory.*

*Cincinnati, 17th. February 1800.*

SIR,

The enclosed petition from the people of St. Vincennes was received by express a few days ago, and accompanied with a request, that I would forward it to Congress; I must beg you, Sir, to have the goodness to present it. The object of the petitioners is, that such a division of the territory may take place, as would throw them and those of the Illinois country back into the state from which the territory at large has just emerged, and that Congress would provide such a government for them, as was established at first throughout. This is more fully explained in the letters which came with the petition, than in the petition itself. It may possibly seem to Congress to be a strange request; but if their local situation is considered,—their great distance from, and little intercourse with, other parts

parts of the territory, and the difficulty of that intercourse, it will not seem an unreasonable one, especially if this circumstance, which is stated in one of the letters to me, be well founded. "It is found, upon an accurate estimate, that the territorial tax, which falls upon this county under the present revenue laws, will exceed the amount of the specie circulating in it, and as they are fully persuaded that, in the course of a year or two, they will fall back to the situation from which they have just moved, they conceive it would be an intolerable grievance to have their lands sold for the support of a government from which they expect to receive little or no advantage."

A division of the territory is a subject on which I have thought a great deal, and have long wished to take place; and you well know that, from the vast extent of it, it is almost impossible to keep even the executive part of the government in order. The great and growing importance of this country, in many and some very interesting points of view, seems never to have been much attended to. In truth there were few persons in Congress who knew much about it, and the concerns of the states they represented, and the great business of union kept it in a great measure out of sight. We may now hope that it will be attended to, and it is with pleasure that I have seen that you are appointed the Chairman of the committee, for taking its concerns into consideration. How necessary soever a division may be, and how much soever it may be wished, there are difficulties in the way. The encrease of expense will form one, but it is a bad calculation to let a little money outweigh the welfare and happiness of a multitude of people. To render the territory manageable, it would require to be divided into three districts,

and

and there it may be thought, that the ordinance stands in the way, that having provided for two only, and it is generally supposed that the ordinance cannot be altered, in any respect, but by common consent. That I believe is a mistake, a part of it indeed, where the fundamental principles of the future states are laid, and which is declared to be a compact between the United States and the inhabitants of the territory, cannot be altered but by common consent, but every other part of it is as much in the power of Congress, as a law they may have enacted yesterday. But suppose these difficulties got over, how are the districts to be bounded? The object with some is that the eastern district should extend from the line of Pennsylvania to the great Miami; the middle district to comprehend the country between that and the Wabash, and the western district the country between that and the Mississippi. On that proposition it is to be observed that the eastern district would be still too large to be manageable and that in the middle district there would be too few people to admit of the representative government, and that the Indian title to a great part of the land has not been extinguished. The manner of dividing it, which appears to me the most eligible, would be that the Scioto and a line drawn north from some part of it above Chilcothey, say the forks, should form the western limit of the eastern district; the Indian boundary line, opposite to the mouth of Kentucky, the western limit of the middle district; and the western district to comprehend all the country between that line and the Mississippi. The natural advantages would, in this manner, remain to every part; the two first have a population sufficient for the representative government, and the third would have the kind of government they wish for, and are alone  
fit



fit for. Marietta would form a convenient capital for the eastern division, not too far distant from any part of it; Cincinnati, with equal convenience, would be the seat of the middle government, and St. Vincennes of the western one. There are many other advantages which would flow from this measure which I will not trouble you with; I will only observe that almost any division into two parts must ruin Cincinnati.

I beg leave to put you in mind of the donations to the heads of families in the Illinois country. Their petitions on the subject are no doubt on the files, for they have been very often presented. Their situation is this. Certain spaces near to the villages were ordered to be laid out in squares and parallelograms sufficient for all the donations which were to be given within them by lot. It was found that the whole of those spaces, supposed by Congress to be vacant, were covered by old French and English grants, or by grants from the commandants for Virginia, and the courts of the country, to which the act of the third of March 1791 gave validity. They pray that they may be allowed to take them on the Kaskaskia river and near to Tahokia, and they may be laid in those places without injury, and in such a manner as to give consistence to the settlements; that they have not been hitherto laid off has been an irreparable injury to individuals, and to that part of the country.

I have troubled you with a letter of unreasonable length, and will not add to it now, though I have more to say.

*I am, Sir, with great regard,*

*Your obedient servant*

ARTHUR St. CLAIR.  
W. H. HARRISON, Esquire.

---

# P E T I T I O N

OF

GEORGE TEVEBAUGH AND OTHERS,

Inhabitants of Knox county,

IN THE

NORTH-WESTERN TERRITORY.

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To the honorable the House of Representatives of the United States, in Congress assembled,

*The Petition of the Inhabitants of the County of Knox in the Territory of the United States, North-West of the River Ohio,*

Respectfully Sheweth,

**T**HAT your Petitioners experience all the hardships resulting from an enormous territorial tax, to the discharge of which, they are perfectly inadequate, and all the inconveniences to which the inhabitants of a county are liable, where there is not land granted sufficient to admit a population adequate to the support of an ordinary county establishment; that without the timely and beneficent interposition of the sovereign power of the United

United States, your petitioners must continue to endure all those disadvantages, the painful enumeration whereof they forbear, fully persuaded that they will occur to you with more force than could be conveyed in the choicest words of your petitioners. Your petitioners, therefore pray, that you will take their situation under your consideration, and in conformity to the ordinance of Congress for the government of the Territory, make such division of the same as may to you appear most judicious; which, if done the present Session of Congress, will not only relieve your petitioners from the heavy territorial taxes, with which they are at present burthened, but bring justice almost to each man's door. Your petitioners also conceiving the present furnishes a favourable opportunity to extinguish the Indian claim to a Tract of country circumjacent to the possessions now composing the county, most respectfully pray, that you will use such means as may be within your power, to extinguish the Indian claim, if any such exists, to the lands lying between the Wabash and Ohio rivers, and a line to be run from the northern corner of the Illinois grant, to strike the Wabash at the Terrehaute, about twenty-five miles above post Vincennes, whereon your petitioners are happy to inform the General Government, the Indians have desisted hunting for some time past, which acquisition, when made and disposed of by the General Government, will not only connect this with the settlement of the Illinois grant, but admit a population sufficient for the purposes of defence in case of hostilities with the Indians, and revenues adequate to the exigencies of the county.

*And your Petitioners, as in duty bound,  
will ever pray, &c.*

January 1st. 1800.

*Signed by 200 inhabitants.*



R E P O R T

OF THE

C O M M I T T E E

*Appointed on the 5th instant.*

To enquire into the expediency of authorizing

THE

*PRESIDENT of the UNITED STATES,*

TO APPOINT AN AGENT TO PURCHASE

OF THE

I N D I A N S,

A T R A C T O F L A N D

On the South-side of

L A K E S U P E R I O R,

which shall include the

*GREAT COPPER BED.*

---


17th March, 1800.

Committed to a Committee of the whole] House on  
Monday next.

---

*[Published by order of the House of Representatives.]*

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1850

# THE HISTORY OF THE

REPUBLIC OF THE UNITED STATES

The history of the Republic of the United States is a subject of great interest and importance. It is a subject which has attracted the attention of the people of all nations. The history of the United States is a history of freedom, of independence, and of the struggle for the rights of man. It is a history which has inspired the hearts of the people of all nations, and which has shown the world the path to freedom and independence.

— 1850 —

The history of the Republic of the United States is a subject of great interest and importance. It is a subject which has attracted the attention of the people of all nations. The history of the United States is a history of freedom, of independence, and of the struggle for the rights of man. It is a history which has inspired the hearts of the people of all nations, and which has shown the world the path to freedom and independence.





# R E P O R T.

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*The Committee to whom it was referred, to enquire into the expediency of authorizing the President of the United States, to appoint an agent to purchase of the Indians, a tract of Land on the south-side of Lake Superior, which shall include the Copper Bed—*

## REPORT—

**T**HAT extensive copper beds exist on the banks of said lake, within the United States, of which the Committee hath obtained samples, and got them examined by the assayer of the mint, who reported it pure malleable copper, fit for the manufactors;—the Committee hath further inquired into, and found that the following prices for transportation, are now paid to public carriers, from Michelemachenac, to fort Erie, seventy cents for one hundred weight; from thence to Queens-town fifty cents; from thence to Oswego twenty five cents; from thence to Utica one hundred cents; from thence to Albany fifty cents; which compleats the rout, except over the Lake Superior, and the Streights of Saint-Mary, which the Committee suppose one hundred cents, making together three dollars and ninety five cents per hundred, being less than four pence per pound;—the Committee are therefore of opinion that the House come to the following resolution :

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be authorized to employ an agent, who shall be instructed to collect all material information relative to the copper mines, on*

the south side of Lake Superior, and to ascertain whether the Indian title to such lands as might be required for the use of the United States, in case they should deem it expedient to work the said mines, be yet subsisting, and if so, the terms on which the same can be extinguished:—and that the said agent be instructed to make report to the President in such time as the information he may collect may be laid before Congress at their next session.

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R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 10th of February last,

THE

P E T I T I O N

OF

AMEY DARDIN.

---


18th March, 1800.

Committed to a Committee of the whole House  
to-morrow.

---

*[Published by order of the House of Representatives.]*

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# R E P O R T.

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*The COMMITTEE of CLAIMS to whom was referred the  
petition of AMEY DARDIN,*

## REPORT,—

**T**HAT this is a renewal of a former petition for compensation for a horse taken from her late husband David Dardin, in the year one thousand seven hundred and eighty one, and used as a dragoon-horse in the army of the United States.

The following particular statement of facts is introduced into this report, pursuant to the request of the gentleman who presented the petition now before the House.

It appears that a stud horse known by the name of Romulus was impressed from David Dardin, for the public use, by Lieutenant Rudder, a continental officer, on the 20th day of February 1781, and then valued to the sum of £. 750 specie; said horse was taken to the army in North-Carolina, then commanded by General Green, who, upon hearing of the valuation, ordered the said horse to be valued again, which valuation was still higher than the first. Whereupon General Green ordered the said horse to be returned to his former owner, who called upon three persons to ascertain the damages sustained by the use of his horse, and they estimated the damages at £. 100. The said Dardin then received the said horse as his property, and continued to use him as such until the 17th of July 1781, when another continental officer again took the said horse, and gave a receipt for him, wherein the sum of

£. 750 is mentioned, as having been before stated as the appraised value. This procedure attracted the attention of the Executive of Virginia, and in December 1782, his excellency Benjamin Harrison, then governor, made a representation by advice of council, to General Green respecting this subject; but the said horse being by this time in Georgia, and applied to the public service, was continued therein, finally disposed of, and never thereafter returned to the said owner. It also appears that this claim of Dardin was referred to the Virginia assembly in 1782, by the court of Mecklenburg county; that he petitioned the assembly accordingly, but his claim being considered as coming more properly against Congress than any particular state, he was referred thereto; but being at the same time advised that he might obtain redress at law against the officers who took the horse, he instituted a suit in the high court of chancery, which suit was depending therein until the month of June 1793, when it appears to have been abandoned and consequently dismissed.

Afterwards on the 23d day of December 1795, the present petitioner made a representation of her case to Congress—her petition was referred to the Committee of Claims, who on the 26th day of next month, made a report, which does not appear to have been decided on during that session of Congress. At the next session the said report and petition were again referred to the Committee of Claims, who on the 6th day of January 1797, made a further report, containing a general statement of facts, and submitting as their opinion that the prayer of the petition ought not to be granted.

This report not having been agreed to by the House, a motion was made for leave to bring in a bill for relief of the petitioner. This motion was taken into consideration and fully discussed on the 19th day of February 1798; it was then rejected and the House “resolved” that the prayer of the petition of the said Amey “Dardin cannot be granted”.

No new evidence is now adduced; all the facts which appear at this time were under the consideration of the



former Committees, and before the House when the subject was considered.

Propositions for suspending the acts of limitation, partially and generally, have been repeatedly considered and rejected, and Congress have been uniform in their determinations against individual claims, precluded by the acts of limitation.

Whatever justice there might have been in favor of this Claim originally, it has been long since barred. If the acts precluding a settlement should be suspended for its admission and settlement, they ought on similar principles to be suspended for a vast number of others, which have been exhibited and rejected although in as high a degree at least entitled to attention. Nor less a general suspension take place, which the Committee presume would not be considered as an advisable measure, they cannot find a principle which would justify them in recommending to the House, to reverse their former decision and to make provision for the admission and settlement of the Claim of the petitioner.

They therefore respectfully submit as their opinion that the prayer of the petitioner of the said Amey Dardin ought not to be granted.



R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 10th of January last,

THE

P E T I T I O N

OF

TOBIAS RUDOLPH.

---

6th March, 1800.  
Ordered to lie on the table.


---

20th March, 1800.  
Committed to a Committee of the whole House,  
to-morrow.

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[*Published by order of the House of Representatives.*]

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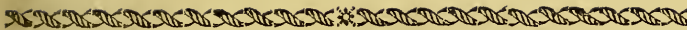


REPORT

Commissioners of the General Land Office

REPORT

THE LANDS BELONGING TO THE UNITED STATES  
IN THE TERRITORY OF ARIZONA  
AND THE TERRITORY OF NEW MEXICO  
AND THE TERRITORY OF CALIFORNIA  
AND THE TERRITORY OF NEVADA  
AND THE TERRITORY OF IDAHO  
AND THE TERRITORY OF MONTANA  
AND THE TERRITORY OF WYOMING  
AND THE TERRITORY OF COLORADO  
AND THE TERRITORY OF UTAH  
AND THE TERRITORY OF ARIZONA  
AND THE TERRITORY OF NEW MEXICO  
AND THE TERRITORY OF CALIFORNIA  
AND THE TERRITORY OF NEVADA  
AND THE TERRITORY OF IDAHO  
AND THE TERRITORY OF MONTANA  
AND THE TERRITORY OF WYOMING  
AND THE TERRITORY OF COLORADO  
AND THE TERRITORY OF UTAH



# R E P O R T.

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*The* COMMITTEE of CLAIMS *to whom was referred the*  
*petition of* TOBIAS RUDOLPH,

## REPORT,

**T**HAT he says he heretofore presented a petition to Congress, requesting payment for a sum of money due from the United States to his late brother; but that for want of vouchers his petition was rejected. He says he has it in his power now to produce vouchers to substantiate the demand. If the petitioner has a well-founded claim, which has not been liquidated and settled at the Treasury, and is not barred by the acts of limitation, he may have it settled on making proper application at the Treasury-Department. If he once had a claim which is now barred by the acts of limitation, the Committee are of opinion it should have the fate of other demands in similar situations, and that no particular act should be agreed to, for the purpose of settling the claim of the petitioner. They therefore report that the petitioner should have leave to withdraw his petition.

REPORT

Committee of Claims

GENERAL INVESTIGATION



32

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R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 26th ultimo,

THE

P E T I T I O N

OF

GILBERT DENCH.

---

21st March, 1800.

Committed to a Committee of the whole House, on  
Monday next.

---

[*Published by order of the House of Representatives.*]

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# R E P O R T.

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*The COMMITTEE of CLAIMS to whom was referred the  
petition of GILBERT DENCH,*

## REPORT,—

**T**HAT this application is similar, in all respects, to one made by him to Congress in January, 1795, and which, upon a report then made, after a lengthy discussion in the House of Representatives, was rejected on the 30th day of that month, and the petitioner had leave to withdraw his petition. The same claim was renewed by Mr. Dench's petition, on the 20th of December 1796, and thereupon another report was made on the 4th of January 1797, which was considered and fully discussed in a Committee of the whole House, and in the House of Representatives, who on the 11th day of that month, again resolved that the petitioner should have leave to withdraw his petition.

No new evidence whatever, is now adduced by the petitioner: no facts whatever are exhibited which were not under consideration and fully presented to the view of the House, at each of their sessions when the former decisions were made. The report made upon the last mentioned petition is hereunto annexed—to that the Committee ask leave to refer, and request that the same may be considered as a part of this report.

They can find no reason which will justify them in recommending to the House to reverse the two former decisions: as they are bound by the rules of the House to express an opinion on the subject referred to them, the Committee respectfully submit the following resolution: That the prayer of the petition of the said Gilbert Dench ought not to be granted.

The COMMITTEE of CLAIMS to whom was referred the  
petition of GILBERT DENCH,

REPORT,

THAT it appears by the statement of the petitioner and is proved by the documents which accompany his petition, that in the year 1781, he contracted with Jabez Hatch, then deputy Quarter Master-General, to transport cloathing, &c. for the United States; and in 1782 he made another contract with the same officer, to transport military stores for the United States, which contracts were both faithfully performed by him. The first contract was made for certificates, and paid according to the terms of it: the second contract to the amount of more than 20,000 dollars was made for specie; and when it become due to the petitioner, the said Hatch had not cash to fulfil the contract on the part of the United States. Application was made to the Commonwealth of Massachusetts, and a loan obtained in certificates or orders in anticipation of the continental taxes, then in collection. Having obtained these orders or certificates, the said Jabez Hatch paid the same to the petitioner in satisfaction of the contract, and he gave a receipt in full, as having received specie nominally. This loan was soon after reimbursed in the Treasury of Massachusetts, by an order from the superintendant of finance for the United States. The Committee find that those certificates issued in anticipation of the taxes, like other public paper at that time, passed at a discount, and that the petitioner suffered by their depreciation. They are however of opinion that, at this time, to undertake to redress the injuries sustained by individuals in the depreciation of public paper, during the late war, would be productive of greater evils than any possible

advantages resulting from the attempt could compensate.

The petitioner has heretofore brought this subject under the view of Congress, who, after a full investigation, resolved that the prayer of his petition ought not to be granted. Though the Committee are sorry for the misfortunes of Mr. Dench, they cannot find sufficient reasons to justify an opinion that the House should now make a different decision; and therefore report that he have leave to withdraw his petition.

*[Faint, illegible text from the reverse side of the page]*



R E P O R T

OF THE

*Committee of Claims,*

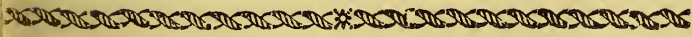
ON THE

P E T I T I O N

OF

G I L B E R T D E N C H.

Made the 29th of January, 1795.





# REPORT

Presented to the

General Assembly of the State of New York  
at the Session held at Albany, January 18, 1887.

ALBANY:

Printed by the State Printer, Albany, N. Y.

THE STATE OF NEW YORK,  
OFFICE OF THE COMMISSIONER OF THE LAND OFFICE,  
ALBANY, N. Y., JANUARY 18, 1887.

REPORT  
OF THE  
COMMISSIONER OF THE LAND OFFICE,  
FOR THE YEAR 1886.

ALBANY: PUBLISHED BY THE STATE PRINTER,  
1887.



# R E P O R T.

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[Made the 29th of January, 1795.]

The COMMITTEE OF CLAIMS, to whom was referred the  
*Petition of Gilbert Dench,*

## REPORT—

**T**HAT they find, on enquiry, the following facts, viz: That the petitioner in 1781 contracted with Jabez Hatch, deputy quarter-master general, to transport cloathing, &c. for the United States; and in 1782 he made another contract with the same person, to transport military stores for the United States, which contract amounted to a large sum; and it appears they were both faithfully performed by the petitioner. The first contract was made for certificates, and paid according to the terms of it. The second contract, which was for upwards of 20,000 dollars, was made for specie; and when it became due, the said Hatch had not cash to fulfil the contract on the part of the United States: and having obtained, on loan, from the Commonwealth of Massachusetts, orders on the collectors of continental taxes, then in collection, to a large amount, he paid the petitioner in said orders, and the petitioner gave a receipt in full, as having received specie nominally. The said Jabez Hatch soon after received a specie order from Robert Morris, superintendant of finance for the United States, and repaid the loan aforesaid into the Treasury of Massachusetts, with said order. The petitioner has suffered greatly by the depreciation of the orders, as

such orders were purchased in market soon after he received them, at a very considerable discount.

The Committee are of opinion, that there is no existing obligation on the United States, to make up depreciation in the present case; more especially, as the United States have paid for the services rendered by the petitioner in specie; and if there exists an obligation on any body of men, to make up to the petitioner his depreciation, it certainly must rest upon the Commonwealth of Massachusetts. They are of opinion, that the prayer of the petition ought not to be granted, and that the petitioner have leave to withdraw the same.



R E P O R T

OF THE

C O M M I T T E E

To whom was referred, on the 26th ultimo,

THE CONSIDERATION

*Of the Expediency of Accepting  
from the*

**State of Connecticut,**

A cession of jurisdiction of the territory  
west of Pennsylvania, commonly  
called the Western  
Reserve

OF

C O N N E C T I C U T .

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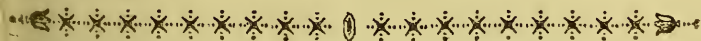
21st March, 1800.

Committed to a Committee of the whole House on  
Next Monday week.

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[*Published by order of the House of Representatives*]

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# REPORT

The following report was prepared by the Commission on the Administration of the District of Columbia, and is submitted herewith to the President and the Congress.

## CONTENTS

I. INTRODUCTION. The year 1954, on the one hand, and the year 1955, on the other, have been years of unusual activity in the District of Columbia. The Commission on the Administration of the District of Columbia, created by the Congress in 1954, has the honor to submit to the President and the Congress its report on the progress of its work during the past year.

The Commission was organized on August 1, 1954, by the signing of Public Law 558 by the President. Its mandate was to study the present and proposed methods of administering the District of Columbia and to report to the President and the Congress by January 1, 1955.

The Commission's work has been carried on in accordance with the terms of its charter. It has held numerous public hearings and has received many suggestions and criticisms from the people of the District. It has also conducted extensive research into the various agencies and departments of the District and into the methods of their administration.

The Commission's report is organized into three main parts. The first part, which is the most important, contains the Commission's findings and recommendations. The second part contains the Commission's report on the progress of its work during the past year. The third part contains the Commission's report on the progress of its work during the past year.





# REPORT.

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*The Committee to whom was referred the consideration of the expediency of accepting from the State of Connecticut a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, with directions to report by bill or otherwise,*

## REPORT—

**T**HAT in the year 1606, on the 10th of April, James I. king of England, on the application of Sir Thomas Gates and others, for license to settle a colony in that part of America, called Virginia, not possessed by any Christian prince, or people, between the thirty-fourth and forty-fifth degrees of north latitude, granted them a charter. In order to facilitate the settlement of the country, and at the request of the adventurers, he divided it into two colonies. To the first colony, consisting of citizens of London, he granted, "That they might begin their first plantation, and habitation, at any place on the said coast of Virginia, or America, where they shall think fit and convenient; between the said four and thirty, and one forty degrees of the said latitude; and they shall have all lands, &c. from the said first seat of their plantation and habita-

Hazard's  
State Papers,  
vol. I. 50.  
First charter  
of Virginia.

Ibid. 51.

State Papers, 51. tion, by the space of fifty miles of English statute measure, all along the said coast of Virginia and America towards the West and South West, as the coast lyeth, with all the islands, within one hundred miles, directly over against the same sea-coast; and also all the lands, &c. from said place of their first plantation and habitation, for the space of fifty like English miles, all along the said coast of Virginia and America, towards the East and North-East, or towards the North, as the coast lyeth, with all the islands within one hundred miles directly over against the said sea-coast; and also all the lands, &c. from the same fifty miles every way on the sea-coast, directly into the main land, by the space of one hundred like English miles: And that no other subjects should be allowed to settle on the back of them, towards the main land, without written license from the council of the colony."

Hazard's State Papers, Vol. I. 52. To the second colony, consisting of Thomas Hanham and others, of the town of Plymouth, King James granted the tract between the thirty-eighth and forty-fifth degrees of North latitude, under the same description, as the aforesaid grant was made to the first colony. To these grants a condition was annexed, that a plantation should not be made within one hundred miles of a prior plantation.

Ibid. 53. Ibid. 57. By the same charter, the King agreed that he would give and grant, by letters patent, to such persons, their heirs and assigns, as the council of each colony, or the most part of them should nominate, or assign, all the lands, tenements and hereditaments which should be within the precincts limited for

each colony, to be holden of him, his heirs State Papers,  
 and successors, as of the manor of East- 57.  
 Greenwich, in the county of Kent, in free  
 and common socage only, and not in capite.  
 And that such letters-patent should be suf-  
 ficient assurance from the patentees, so dis-  
 tributed and divided amongst the undertakers  
 for the plantations of the several colonies,  
 and such as should make their plantations  
 in either of the said several colonies in such  
 manner and form, and for such estates, as  
 shall be ordered, and set down by the coun-  
 cil of said colony, or the most part of them  
 respectively, within which the same lands,  
 tenements or hereditaments shall lie or be :  
 Although express mention of the true yearly  
 value or certainty of the premises, or any of  
 them, or of any other gifts or grants, by  
 the King or any of his progenitors or pre-  
 decessors to the grantees was not made ; or  
 any statute, &c. to the contrary notwith-  
 standing:

On the 23d of May, 1609, King James, Hazard's  
 on the application of the first colony for a State Papers,  
 further enlargement and explanation of Vol. I. 58.  
 the first grant, gave them a second charter, Second char-  
 in which they were incorporated by the ter of Virgi-  
 name of " The Treasurer and company of nia.  
 adventurers and Planters of the city of Lon-  
 don, for the first colony of Virginia."

" In this charter the King grants to them  
 all the lands, &c. in that part of America Ibid. 64.  
 called Virginia, from the point of land called  
 Cape, or Point Comfort, all along the sea-  
 coast to the northward, two hundred miles ;  
 and from the said Point of Cape Comfort,  
 all along the sea-coast, to the southward,  
 two hundred miles ; and all that space and

circuit of land, lying from the sea-coast of the precinct aforesaid, up into the main land, throughout from sea to sea, West and North-West; and also all the islands within one hundred miles along the coast of both seas of the precinct aforesaid."

Ibid 72  
Third charter of Virginia.

Hazard's  
state papers  
Vol. 1. 74.

On the 12th of March, 1611, 12 on the representation that there were several islands without the foregoing grant, and contiguous to the coast of Virginia, and on the request of said first colony, for an enlargement of the former letters patent, as well for a more ample extent of their limits, and territories into the seas adjoining to, and upon the coast of Virginia as for the better government of said colony, King James granted to them another charter. After reciting the description of the second grant, he then proceeds to give, grant and confirm to the treasurer and company of adventurers and planters of the city of London for the first colony of Virginia, and their heirs, &c. "all and singular those islands whatsoever, situate, and being in any part of the ocean seas bordering on the coast of our said first colony in Virginia, and being within three hundred leagues of any of the parts heretofore granted to the said treasurer and company in said former letters-patent as aforesaid, and being within the one and fortieth, and thirtieth degrees of Northernly latitude, with all the lands &c. both within the said tract of land on the main, and also within the said islands and seas adjoining, &c. *Provided always*, That the said islands, or any premises herein mentioned or by these presents intended, or meant to be conveyed, be not actually possessed or inhabited by any other christian prince, or



state; nor be within the bounds, limits, or territories of the Northern colony, heretofore by us granted, to be planted by divers of our loving subjects in the north part of Virginia.

On the 15th day of July, 1624, James I. granted a commission for the government of Virginia, in which it is alledged that the charters to the Treasurer and company of adventurers and planters of the city of London, for the first colony of Virginia, had been avoided upon a quo warranto brought and a legal and judicial proceeding therein by due course of law.

Ibid 183.  
186.

On the 20th day of August, 1624, James granted another commission for the government of Virginia, in which it is alledged  
 “ Whereupon we entering into mature and deliberate consideration of the premises, did by the advice of our Lords of the Privy Council, resolve by altering the charters of the said company, as to the point of government, wherein the same might be found defective, to settle such a cour seas might best secure the safety of the people there, and cause the said plantation to flourish, and yet with the preservation of the interest of every planter and adventurer, so far forth as their present interests shall not prejudice the public plantations; but because the said Treasurer and company did not submit their charters to be reformed, our proceedings therein were stayed for a time, until upon quo warranto brought, and a legal and judicial proceeding therein, by due course of law, the said charters were, and now are, and stand avoided.”

Hazard's  
state papers,  
vol 1. 189.  
191.

On the 13th May, 1625, Charles I. by his proclamation, after alledging that the letters

Ibid. 203;  
204.



Ibid 203.  
204. patent to the colony of Virginia, had been questioned in a legal course, and thereupon judicially repealed, and judged to be void; declares that the government of the Colony of Virginia, shall immediately depend on himself, and not be committed to any company or corporation.

Ibid. 234.  
312. 400.  
477. vol. II.  
607. From this time Virginia was considered to be a royal government, and it appears that the kings of England from time to time, granted commissions for the government of the same.

The right of making grants of lands was vested in and solely exercised by the crown.

The Colonies of Maryland, North and South Carolina, Georgia, and part of Pennsylvania, were erected by the crown, within the chartered limits of the first colony of Virginia.

When the king of France had dominions in North America, the land in question was included in the province of Louisiana, but no part of it was actually settled by any of his subjects. After the conquest of the French possessions in North America by Great-Britain, this tract was ceded to the king of Great-Britain by the treaty of Paris in 1763.

Statutes at  
large vol.  
VIII. 405. In the year 1774, the Parliament of Great-Britain passed an act, declairing and enacting "that all the territories, islands, and countries, in North America, belonging to the crown of Great-Britain, bounded on the South by a line from the bay of Chaluers along the high lands which divide the rivers that empty themselves into the river St. Lawrence, from those that fall into the sea, to a point in forty-five degrees of North Latitude on the Eastern bank of the river Connecticut,

keeping the same latitude directly West, through the lake Champlain, until in the same latitude it meets the river St. Laurence, from thence up the Eastern branch of said river, to the lake Ontario, thence through the lake Ontario and the river commonly called Niagara, and thence along by the Eastern and South Eastern bank of lake Erie, following the bank until the same shall be intersected by the Northern boundary granted by the charter of the province of Pennsylvania, in case the same, shall be so intersected; and from thence along the said Northern and Western boundaries of said province, until the said Western boundary strike the Ohio. But in case the said bank of the said lake, shall not be found to be so intersected, then following the said bank, until it shall arrive at the point of the said bank, which shall be nearest to the North Western angle of the said province of Pennsylvania, and thence by a right line to the said North Western angle of said province, and thence along the Western boundary of said province, until it shall strike the river Ohio, and along the bank of the said river, Westward to the banks of the Mississippi, and Northward to the Southern boundary of the territory granted to the Merchants, Adventurers of England, trading to Hudson's Bay, and also, all such territories, islands, and countries, which have since the 10th of February, 1763, been made part of the government of Newfoundland, be and they are hereby during his Majesty's pleasure annexed to, and made part and parcel of the province of Quebec, as created and established by the said royal proclamation of the 7th of October, 1763.

*Provided always*, that nothing herein contained relative to the boundary of the province of Quebec, shall in any wise affect the boundaries of any other colony.

*Provided always, and be it enacted*, That nothing in this act contained, shall extend or be construed to extend to make void, or to vary, or alter any right, title, or possession derived under any grant, conveyance, or otherwise howsoever of, or to any lands within the said province, or provinces thereto adjoining; but that the same shall be in force and have effect as if this act had never been made."

In the year 1620, on the 3d of November, king James gave a charter to the second colony of Virginia: after reciting the grants made to the first colony of Virginia, and stating an application from the second colony for a further enlargement of privileges, he proceeded to declare "that the tract of land, in America, between the fortieth and forty-eighth degrees of North latitude, from sea to sea, should be called New England; and for the planting, and governing the same, he incorporated a council at Plymouth, in the county of Devon, and granted to them and their successors," all that part of America lying, and being in breadth, from forty degrees of Northerly latitude, from the equinoctial line, to forty-eight degrees of the said Northerly latitude inclusively, and in length of, and within all the said breadth aforesaid, throughout all the main lands from sea to sea, together with all the firm lands, &c. upon the main, and within the said islands and seas adjoining. *Provided*, the said islands, or any of the premises before mentioned, and in-

Hazard's  
State Papers.  
vol. 1. 103

New Eng-  
land charter.

Hazard's  
State Papers,  
Vol. I. 3.

tended by said charter to be granted, be not actually possessed, or inhabited by any Christian prince or state, nor be within the bounds, limits or territories of the Southern colony, granted to be planted in the South part. King James by said charter commanded and authorized, said council at Plymouth or their successors, or the major part of them, to distribute, and assign such portions of land to Adventurers, &c. as they should think proper.

New Eng-  
land charter.

Ibid. 112.

In the year 1628, 4th March, the council of Plymouth, pursuant to the authority vested in them by their charter, granted to Sir Henry Roswell; and others, a tract of land called Massachusetts; and King Charles I. on the 4th of March 1629, confirmed the sale, and granted them a charter. After reciting the description of the grant to the council of Plymouth, and their grant to Sir Henry Roswell, and others, he grants and confirms to them, "all that part of New England in

Hazard's  
state papers,  
vol. I. 259.

Charter of  
Massachu-  
setts.

America, which lies and extends between a great river there, commonly called Monomack river, alias Merrimack river, and a certain other river there called Charles river, being in the bottom of a certain bay there, called Massachusetts, alias, Mattachusetts, alias, Massactufetts bay; and also all and singular those lands, and hereditaments whatsoever, lying within the space of three English miles, on the South part of the said

Hazard's  
state papers,  
vol. I. 241.

Charter of  
Massachu-  
setts, 241.

river, called Charles river, or of any, or every part thereof, and also all and singular, the lands hereditaments whatsoever, lying and being within the space of three English miles to the Southward of the Southernmost parts of the said bay, called Massachusetts, alias, Mattachusetts, alias Massactufetts bay: and



Charter of  
Massachu-  
setts, 241.

also all those lands and hereditaments whatsoever, which lie, and be within the space of three English miles to the Northward of the said river, called Morromack, alias Merri-mack; or to the Northward of any, and every part thereof: and all lands, and hereditaments whatsoever, lying within the limits aforesaid, North and South, in latitude and in breadth, and in length and longitude of, and within all the breadth aforesaid, throughout the main lands there, from the Atlantic, and Western sea and ocean on the East part to the South sea on the West part, with a proviso not to extend to lands possessed by a Christian prince, or within the limits of the Southern colony.”—

Hazard's  
State Papers,  
Vol. I. 318.  
First charter  
to

In the year 1631, on the 19th of March, the Earl of Warwick granted to Lord Say and Seal, and others, all that part of New England in America, which lies and extends itself from a river there, called Narraganset river, the space of forty leagues, upon a straight line near the sea shore, towards the Southwest, West and by South or West, as the coast lieth towards Virginia, accounting three English miles to the league, and also all and singular the lands, and hereditaments whatsoever, lying and being within the lands aforesaid, North and South, in latitude and in breadth, and in length and longitude of, and within all the breadth aforesaid, throughout the main lands there, from the Western ocean to the South sea, &c. and also, all

Hutchensons  
History of  
the colony of  
Massachu-  
setts Bay,  
vol 1. page  
64.

the islands, lying in America aforesaid in the said seas, or either of them, on the Western or Eastern coasts, &c. The territory aforesaid, having been in the year preceding by the council of Plymouth granted to said Earl of Warwick.



In 1635, the 7th of June, the council of Plymouth, after having made sundry other grants, surrendered their charter to the crown.

Hazard's  
State Papers,  
Vol. I. 393.

In the year 1635, Lord Say and Seal, and other associates, appointed John Winthrop, their governor and agent to enter upon and take possession of their territory, which he accordingly did, and began a settlement near the mouth of Connecticut river. About the same time a number of English colonists emigrated from the Massachusetts to Connecticut river, and after having found themselves to be without the Patent of that colony, formed into a political association by the name of the Colony of Connecticut, and purchased of Lord Say and Seal, and others, their grant from the Earl of Warwick, made in 1631. And in 1661 petitioned king Charles the II. setting forth their colonization, their adoption of a voluntary form of government, their grant from Lord Say and Seal, and others, and their acquisition by purchase and conquest, and praying him to give them a charter of government, agreeably to the system they had adopted, with power equal to those conferred on Massachusetts, or the Lords and gentlemen whose jurisdiction right they had purchased, and to confirm the grant or patent which they had obtained as aforesaid of the assigns of the Plymouth council, according to the tenor of a draft or instrument which they say was ready to be tendered at his gracious order.

Ibid II.

Petition of  
the general  
court at  
Hartford,  
colony of  
Connecticut.

King Charles II. referring to the facts stated in the petition aforesaid, granted a charter, dated the 23d of April 1662, in which he constituted and declared John Win-

Ibid. 604.

and others his associates, a body, corporate and politic, by the name of the Governor and Company of the English colony of Connecticut in New-England in America, with privileges and powers of government, and granted and confirmed to the said governor and company and their successors, all that part of his dominions in New-England in America, bounded on the east by Narraganset river, commonly called Narraganset Bay, where the said river falleth into the sea; and on the north by the line of Massachusetts Plantation; and on the south by the sea, and in longitude as the line of Massachusetts Colony, running from east to west, that is to say, from the said Narraganset Bay on the east, to the South Sea, on the West with the islands thereto adjoining; (which is the present charter of Connecticut.)

On the 23d of April 1664 King Charles addressed a letter to the Governor and Company of Connecticut, in which among other things, he speaks of having renewed their charter.

Charter to  
Duke of  
York.

Journals of  
Congress,  
Vol. 8. page  
71.

On the 12th of March, 1664, Charles II. granted to James Duke of York, "All that part of the main land in New-England, beginning at a certain place called and known by the name of St. Croix, next adjoining to New-Scotland in America, and from thence extending along the sea coast, unto a place called Pennique, or Pennequid, and so up the river thereof unto the furthestmost head of the same, as it tendeth northward; and extending from thence unto the river Kennebequie, and upwards by the shortest course to the river called Canada, northward; and also all that island or islands, called by the

several name, or names of Mattawacks, or Long Island; situate, lying and being towards the west of Cape Cod, and the Narragansets, abutting on the main lands, between the two rivers there called and known by the names of Connecticut, and Hudson's river, together also with the said river called Hudson's River, and all the lands from the west side of Connecticut river to the east side of Delaware Bay, and all the several islands, &c.

Journals of  
Congress,  
Vol. 8. page.  
71.

As the charter to the Duke of York covered part of the lands included in the charter of Connecticut; and as a part of the country had been settled by Christian nations prior to the charter of Connecticut: for which an exception had been made in the charter to the Council of Plymouth, though not in that to Connecticut; a dispute arose between the Duke of York, and the people of Connecticut, respecting the bounds of their respective grants. King Charles II. having appointed Richard Nichols, and others, commissioners to visit the New-England Colonies, with power to hear and determine all complaints, and appeals, and proceed in all things for providing for, and settling the peace of said country.

Journals of  
Congress,  
Vol. 8. page  
72.

On the 13th October, 1664, the general assembly of the colony of Connecticut appointed agents to wait on said commissioners, which appointment was expressed in the following terms to wit: Mr. Allen &c. are desired to accompany the Governor to New-York to congratulate his majesty's honourable commissioners, and if an opportunity offers itself that they can issue the bounds between the duke's patent and ours (so as in their judg-

ment may be for the satisfaction of the court) they are impowered to attend the same, &c. said commissioners undertook the settlement of said bounds and on the 30th of November 1664 determined as follows.

“ By virtue of his majesty’s commission we have heard the difference about the bounds of the patent granted to the duke of York, and the colony of Connecticut, and having considered the same, &c. we do declare, and order the southern bound of his majesty’s colony is the sea and that Long Island is to be under the government of his royal highness the duke of York, as is expressed by plain words in said charters respectively. And also by virtue of his majesty’s commission, and by consent of both the governors and gentlemen above named, we do also order and declare that the creek or river which is called Monoromock which is reputed to be about twelve miles to the east of West-Chester and a line to be drawn from the east point or side where the fresh water falls into the salt, at high-water mark, north-north west to the line of the Massachusetts, be the western bound of said colony of Connecticut, and all plantations lying westward of that creek and line so drawn shall be under his Royal Highness’s government; and all plantations lying eastward of that creek and line, to be under the government of Connecticut.

To this the commissioners from Connecticut subscribed in the following manner, viz. “ We underwritten, on behalf of the colony of Connecticut, have assented unto the determination of his Majesty’s commissioners in relation the bounds and limits of his Royal



Highness the Duke's patent and the patent of Connecticut."

This was a settlement of boundary between the interfering charter of Connecticut and that to the Duke of York, as it respected the eastern extend of the latter.

New-York being, in June 1673, recovered by the Dutch, and their government revived, was, in 1674, ceded on a treaty of peace: The Duke obtained a renewal of his patent, and claimed a re-settlement of the same, which was finally effected in 1733 when Biram river, the present line, was established.

Charles the second, on the 4th day of March 1681, granted to William Penn, the first proprietary, and governor of Pennsylvania," all that tract or part of land in America, with the islands therein contained, as the same is bounded on the east by Delaware river, from twelve miles distance, northward, of New Castle town, unto the three and fortieth degree of northern latitude, if said river doth extend so far northward; but if the said river shall not extend so far northward, then, by the said river so far as it doth extend, and from the head of the said river, the eastern bounds are to be determined by a meridian line, to be drawn from the head of said river, unto the said forty third degree; the said land to extend westward five degrees in longitude, to be computed from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the South by a circle drawn at twelve miles distance from New Castle, Northward and Westward unto the beginning of the fortieth degree of Northern latitude, and then

Journals of  
Congress,  
Vol. 8. page  
64. Charter  
Pennsyl-  
vania.



by a freight line Westwards, to the limits of longitude abovementioned.

On the 27th of November 1779, the Legislature of Pennsylvania vested the estate of the proprietaries in the Commonwealth.

The charter of Pennsylvania comprehended a part of the land included in the charter of Connecticut, viz. between the forty-first and forty-second degrees of north latitude, in consequence of which a dispute arose respecting the right of soil and jurisdiction.

Journals of  
Congress,  
Vol. 8. 83.

This dispute came to a final decision before a court of commissioners appointed pursuant to the articles of confederation, on the 30th day of December 1782, when it was determined that the State of Connecticut had no right to the lands included in the charter of Pennsylvania: and that the State of Pennsylvania had the right of jurisdiction and pre-emption.

Act of Le-  
gislation of  
Connecticut.

The State of Connecticut acquiesced in the decision aforesaid, respecting the lands claimed by Pennsylvania, and the court of commissioners having final jurisdiction, the claim of Connecticut respecting both soil and jurisdiction is conclusively settled. But Connecticut did not abandon her claim to lands west of Pennsylvania, and at a General Assembly, holden at New-Haven on the second Thursday of October 1783, the following act was passed, viz. "Whereas this State has the undoubted and exclusive right of jurisdiction and pre-emption to all the lands lying west of the western limits of the State of Pennsylvania, and east of the river Mississippi, and extending throughout

from the latitude 41 to latitude 42, and 2 minutes north by virtue of the charter granted by King Charles the second to the late colony now State of Connecticut, bearing date the 23d day of April, A. D. 1662, which claim and title to make known, for the information of all, to the end that they may conform themselves thereto.

“ *Resolved*, That his excellency the Governor, be desired to issue his proclamation, declaring and asserting the right of this state to all the lands within the limits aforesaid; and strictly forbidding all persons to enter, or settle thereon, without special license and authority first obtained from the general assembly of this state.”

Pursuant to this resolution, governor Trumbull issued a proclamation, bearing date the 15th day of November 1783 making known the determination of the state to maintain their claim to said territory, and forbidding all persons to enter thereon, or settle within the limits of the same.

On the 29th of April, 1784, Congress adopted the following resolution.

Congress, by their resolution of September 6th 1780, having thought it advisable to press upon the states having claims to the Western country, a liberal surrender of a portion of their territorial claims; by that of the 10th of October in the same year, having fixed conditions, to which the union should be bound on receiving such cessions; and having again proposed the same subject to those states in their address of April the 18th, 1783, wherein, stating the national debt, and expressing their reliance for its discharge, on the prospect of vacant territory

Journals of  
Congress,  
Vol. 9, 184.

in aid of other resources, they for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September 6th, and of October the 10th 1780, which several recommendations have not yet been fully complied with.

*Resolved*, That the same subject be again presented to the said states; that they be urged to consider, that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as foreigners; these several creditors have a right to expect that funds will be provided, on which they may rely for indemnification; that congress still consider vacant territory, as an important resource; and that therefore said states be earnestly pressed by immediate and liberal cessions to forward these necessary ends, and to promote the harmony of the union.

The state of Connecticut, prior to the decree of Trenton, offered to make a cession of Western territory, but, under such restrictions that Congress refused to accept the same. In consequence of the above recommendation of Congress, the legislature of Connecticut resumed the consideration of a cession of their Western territory; and at a general assembly of the state on the second Thursday of May, 1786, passed the following act:

*Be it enacted by the Governor, Council, and Representatives, in general court assembled, and by the authority of the same*, That the delegates of this state, or any two of them, who shall be attending the Congress of the United

Journals of  
Congress,  
vol. VII. 23.  
362. 481.

States, be, and they are hereby directed, authorized, and fully empowered, in the name, and behalf of this state to make, execute and deliver under their hands and seals an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim of the state of Connecticut, to certain Western lands, beginning at the completion of the forty-first degree of North latitude, one hundred and twenty miles West of the Western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth; and from thence by a line to be drawn North parallel to, and one hundred and twenty miles West of the said West line of Pennsylvania, and to continue North until it comes to forty-two degrees and two minutes North latitude: whereby all the right, title, interest, jurisdiction, and claim of the state of Connecticut to the lands lying West of the said line, to be drawn, as aforementioned, one hundred and twenty miles West of the Western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released, and ceded to the United States in Congress assembled, for the common use, and benefit of said states Connecticut inclusive.

Journals of  
Congress,  
vol. II. 221.

On the 26th of May, 1786, Congress resolved, "that Congress in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction, and claim of the state of Connecticut to certain Western lands, beginning at the completion of the forty-first degree of North latitude, one hundred and twenty miles West of the West-

Journals of  
Congress,  
vol. II. 105.



Journals of Congress, vol. II. 195. tern boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line to be drawn North parallel to, and one hundred and twenty miles West of the said West line of Pennsylvania, and to continue North until it comes to forty-two degrees two minutes North latitude, whenever the delegates of Connecticut shall be furnished with full powers, and shall execute a deed for that purpose."

Journals of Congress, vol. II. 223. On the 14th of September, 1786, the delegates from Connecticut executed a deed of cession agreeably to the above resolution, and it was resolved, "that Congress accept the said deed of cession and that the same be recorded, and enrolled among the acts of the United States, in Congress assembled."

Ibid, vol. 10, 124. vol. VII. 518. vol IX. 67. The cession from Connecticut was accepted by Congress in the same manner and form, as the cessions from Virginia, New-York and Massachusetts.

Act of the Legislature of Connecticut. The legislature of Connecticut, on the second Thursday of October, 1786, passed an act directing the survey of that part of their Western territory, not ceded to Congress, lying West of Pennsylvania, and East of the river Cayahoga, to which the Indian right had been extinguished; and by the same act opened a land-office for the sale thereof. Under this act a part of said tract was sold.

The legislature of Connecticut in 1792, granted five hundred thousand acres of said territory, being the West part thereof, to certain citizens of the state, as a compensation for property burned and destroyed in the towns of New London, New Haven, Fairfield, and Norwalk, by the British troops in



the war between the United States of America and Great Britain. Many transfers of parts of this land have been made for valuable considerations.

In May 1795 the legislature of Connecticut passed a resolve in the words following :

“ *Resolved by the assembly,* That a committee be appointed to receive any proposals that may be made by any person or persons, whether inhabitants of the United States, or others, for the purchase of the lands belonging to this state lying West of the West line of Pennsylvania, as claimed by said state. And the said committee are hereby fully authorised and empowered, in the name and behalf of this state, to negotiate with any such person or persons, on the subject of any such proposals, and also to form and complete any contract or contracts for the sale of the said lands, and to make and execute, under their hands and seals, to the purchaser or purchasers, a deed or deeds, duly authenticated, quitting in behalf of this state, all right, title and interest, juridical and territorial in, and to said lands to him or them, and to his and their heirs forever.

Act of legislature,  
Connecticut.

“ That before the executing of such deed, or deeds, the purchaser or purchasers shall give their personal note or bond, payable to the treasurer of this State, for the purchase money, carrying an interest of six per centum per annum, payable annually, to commence from the date thereof, or from such future period, not exceeding two years from the date, as circumstances, in the opinion of the committee, may require, and as may be agreed on between them and the said

purchaser, or purchasers, with good and sufficient sureties, inhabitants of this State; or with a sufficient deposit of Bank Stock, or other Stock of the United States, or the particular States: which note or bond, shall be taken payable at a period not more remote than five years from the date, or if by annual instalments, so that the last instalment be made payable within ten years from the date, either in specie or six per cent, three per cent, or deferred stock of the United States, at the discretion of the committee.

“ That if the said committee shall find that it will be most beneficial to the State or its citizens, to form several contracts for the sale of the said lands, they shall not consummate any of the said contracts apart by themselves while the others lie in a train of negotiation only; but all the contracts which taken together, shall comprise the whole of the quantity of the said lands shall be consummated together, and the purchasers shall hold their respective parts, or proportions, as tenants in common of the whole tract, or territory, and not in severalty.

That the said committee, in whatever manner they shall find it best to sell the said lands, shall, in no case, be at liberty to sell the whole quantity for a principal sum less than one million of dollars in specie, with interest, at six per cent per annum from the time of such sale.

The Legislature at the same time appointed a committee to sell said lands:—who advertised the same in various news-papers in the United States, and particularly in the

Gazette of the United States, published in Philadelphia.

Said committee sold said lands to sundry citizens of Connecticut, and of other States, for the sum of one million two hundred thousand dollars: And on the ninth day of September 1795, executed to the several purchasers, deeds quitting to them, and their heirs forever, all right, title, and interest, juridical and territorial of the State of Connecticut, to lands belonging to said State, lying west of the west line of Pennsylvania, as claimed by said State.

The Legislature of Connecticut have appropriated the money arising on the sale of said lands, for the support of schools, and have pledged the annual interest as a perpetual fund for that purpose. The proprietors have paid the principal part of two years interest to the State making about the sum of one hundred thousand dollars.

The purchasers have surveyed into townships of five miles square the whole of said tract lying east of the river Cayahoga and to which the Indian right has been extinguished; they have made divisions thereof according to their respective proportions; commenced settlements in thirty five of said townships; and there are actually settled therein about one thousand inhabitants. A number of mills have been built and roads cut, in various directions through said territory, to the extent of about seven hundred miles; numerous sales and transfers of the land have been made—and the proprietors in addition to the payments of interest aforesaid have already expended about the sum of eighty thousand dollars.

While the state of Connecticut was making a disposition of said territory, the following acts took place in the government of the United States.

Mr. Jefferson's reports, Nov. 8, 1791. Journals and reports, 1st session 2nd Congress, 6, 8, report.

In the report of the Secretary of State, respecting the quantity, and situation of the lands not claimed by the Indians, nor granted to, nor claimed by any of the citizens of the United States within the territory ceded to the United States by the state of North-Carolina; and within the territory of the United States North-west of the river Ohio, are the following clauses.

Under the head of lands reserved by states in their deeds of cession, it is said, "The tract of country presents itself from the completion of the 41st degree to 42nd degree, two minutes of north latitude, and extending from the Pennsylvania line, before mentioned, 120 miles westward, not mentioned in the deed of Connecticut, while all the country westward thereof, was mentioned to be ceded: about two and an half millions of acres of this, may perhaps be without the Indian lines before mentioned."

In the act of Congress, passed May 18th, 1796, entitled, "An act providing for the sale of the lands of the United States, North-west of the river Ohio, and above the mouth of the Kentucky river," is the following section.

SEC. 4. *Be it further enacted*, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Scioto river and the Ohio Company's purchase, or between the Southern boundary of the Connecticut claims, and the ranges already laid off; beginning upon the



Ohio river, and extending Westwardly; and the plats thereof made and transmitted in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale at public vendue, under the direction of the Governor, or Secretary of the Western Territory, and the Surveyor General; such of them as lie below the Great Miami, shall be sold at Cincinnati; those of them that lie between the Scioto and the Ohio Company's purchase, at Pittsburgh; and those between the Connecticut claim, and seven ranges at Pittsburgh, &c."

At a meeting of commissioners from sundry of the then colonies at Albany on Tuesday the 9th of July, one thousand seven hundred and fifty-four, it was among other things agreed and resolved as follows:

That his Majesty's title to the Northern continent of America, appears to be founded on the discovery thereof first made, and the possession thereof first taken in one thousand four hundred and ninety-seven, under a commission from Henry the Seventh of England to Sebastian Cabot: That the French have possessed themselves of several parts of this continent, which by treaties have been ceded and confirmed to them:

That the right of the English to the whole sea coast from Georgia on the South, to the river St. Lawrence on the North, excepting the Island of Cape Breton, and the islands in the Bay of St. Lawrence, remains indisputable

That all the lands or countries Westward from the Atlantic Ocean to the South Sea, between 48 and 34 degrees North latitude,



was expressly included in the grant of King Charles the First to divers of his subjects, so long since as the year 1606, and afterwards confirmed in 1620, and under this grant the colony of Virginia claims extent as far West as the South Sea, and the ancient colonies of the Massachusetts Bay and Connecticut, were by their respective charters made to extend to the said South Sea; so that not only the right of the sea coast, but to all the inland countries from sea to sea, has at all times been asserted by the crown of England:

In one thousand seven hundred and fifty-four, some settlements were made from Connecticut on lands on the Susquehannah about Wyoming within the chartered limits of Pennsylvania, and also within the chartered limits claimed by Connecticut which produced a letter from the Governor of Connecticut to the Governor of Pennsylvania of which the following is an extract.

Windfor, March 13th, 1754.

There being now no unimpropriated lands with us, some of our inhabitants hearing of this land at Susquehannah and that it was North of the grant made to Mr. Penn and that to Virginia are upon a design of making a purchase from the Indians and hope to obtain a grant of it from the crown. But Mr. Armstrong informs me that this land is certainly within Mr. Penn's grant—If so, I dont suppose our people had any purpose to quarrel with Pennsylvania. Indeed I dont know the mind of every private man, but I never heard our leading men express themselves so inclined.

On the same day Lieutenant Governor Fitch wrote from Hartford a letter on the same subject of which the following is an extract.

I do well approve of the notice you take of the attempt some of the people of this colony are making and the concern you manifest for the general peace, &c. I know nothing of any thing done by the government to countenance such a procedure as you intimate and I conclude is going on among some of our people. I shall in all proper ways use my interest to prevent every thing that may tend to prejudice the general good of these governments and am inclined to believe this wild scheme of our people will come to nothing, tho I cant certainly say.

At a general assembly for Connecticut holden in May 1755, the Susquehanna Company, as were styled, those who were seating lands on that river west of New-York and within the boundaries claimed by Pennsylvania and Connecticut, presented a petition praying the assent of the legislature to a petition to his Majesty for a new Colony within the chartered limits of Connecticut and describing the lands lying west of New-York, whereupon the Assembly of Connecticut after reciting the said petition came to the following resolution.

*Resolved*, by this Assembly, that they are of opinion that the peaceably and orderly erecting and carrying on some new and well regulated colony or plantation on the lands above mentioned would tend to fix and secure said Indian nations in allegiance to his Majesty and friendship with his subjects, and accordingly hereby manifest their ready acquiescence therein, if it should be his Majesty's royl pleasure to grant said land to said petitioners, and thereon erect and settle a new colony, in such form and under such

regulations as might be consistent with his royal wisdom—and also take leave humbly to recommend the said petitioners to his royal favour in the premises.

On the 31st of August, 1779, an agreement was concluded between commissioners duly appointed for that purpose by the state of Virginia and Pennsylvania respectively, whereby it was agreed, “That the line commonly called Masons and Dixons line be extended due West, five degrees of longitude, to be computed from the river Delaware for the Southern boundary of Pennsylvania, and that a meridian drawn from the Western extremity thereof to the Northern limits of the said states respectively be the Western boundary of Pennsylvania for ever,” which agreement was ratified and finally confirmed by the legislature of Pennsylvania, by resolution bearing date the third day of September, 1780, and by the state of Virginia on the day of 1781. See journals of Pennsylvania assembly, vol. I. page 519.

On the 6th day of June, 1783, Congress directed the geographer of the United States to ascertain the boundary line between the United States and the States of New-York and Massachusetts agreeably to the deeds of cession of the said States, and also directed that, the meridian line between lake Erie and the State of Pennsylvania being run, the land lying west of the said line, and between the State of Pennsylvania and lake Erie should be surveyed and return thereof made to the board of treasury who were authorized to make sale thereof.

The said land having been sold in conformity with the above mentioned resolution to

the State of Pennsylvania, Congress on the 3d of September 1788, passed a resolution relinquishing and transferring all the right title and claim of the United States to the government and jurisdiction of the said tract of land, to the State of Pennsylvania forever.

As the purchasers of the land commonly called the Connecticut Reserve hold their title under the State of Connecticut, they cannot submit to the government established by the United States in the North Western Territory without endangering their titles, and the jurisdiction of Connecticut could not be extended over them without much inconvenience. Finding themselves in this situation, they have applied to the Legislature of Connecticut to cede the jurisdiction of the said territory to the United States. In pursuance of such application the Legislature of Connecticut, in the month of October 1797, passed an act authorizing the Senators of the said State in Congress to execute a deed of release in behalf of said State to the United States of the jurisdiction of said territory.

The Committee are of opinion that the cession of jurisdiction offered by the State of Connecticut, ought to be accepted by the United States, on the terms and conditions specified in the Bill which accompanies this report.

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R A F E W O R T H

1844

Committee of Claims

of the House of Representatives

1844

P E T I T I O N

of

SETH NELSON

vs

1844

SAMUEL BROWN

Printed by G. W. Woodbury, No. 21 N. 2d St. N. York.

Entered as Second-Class Matter, July 16, 1879, Post Office at New York, N. Y., under No. 234.

Accepted for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized on July 16, 1979.





R E P O R T

OF THE

*Committee of Claims,*

To whom was referred, on the 6th of December last,

THE

P E T I T I O N

OF

SETH NELSON,

A T T O R N E Y

FOR

SAMUEL BROWN.




24th March, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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[*Published by order of the House of Representatives.*]



# REPORT.

Mr. COMMITTEE of CLAIMS, to whom was referred the petition of SAMUEL NELSON, attorney for SAMUEL BROWN,

## REPORT.

THAT the said Samuel Brown was a soldier in the 4th Massachusetts regiment on the continental establishment, in the revolutionary war—at the close of which he was regularly discharged.

That the certificates for the wages due him from the United States for his services, were in part, and of several orders of Congress, deposited in the hands of William James, the regimental agent appointed to receive such vouchers from the commissioner of army accounts, but the said Agent Hamilton having been detached, a large sum of such certificates, did fail to pay and give the same to a number of the non-commissioned officers and soldiers of the said regiment who were entitled; and had never since been able to make application to the individuals for whom he received them.

The object of the petition is to obtain compensation on the United States for Samuel Brown, one of the individuals who failed in this manner.

The following extract from a report submitted to the consideration of the House, contains a statement of the grounds on which application of this nature have been made to Congress, and a view of the reasons which influenced the Committee who made that



# R E P O R T.

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*The* COMMITTEE of CLAIMS, to whom was referred the  
*petition of* SETH NELSON, attorney for SAMUEL  
BROWN,

## REPORT,

**T**HAT the said Samuel Brown, was a soldier in the  
4th Massachusetts regiment, on the continental  
establishment, in the revolutionary war—at the close of  
which he was regularly discharged.

That the certificates for the wages due him from the  
United States for his services, were, in pursuance of  
the acts of Congress, deposited in the hands of Africa  
Hamlin, the regimental agent appointed to receive such  
certificates from the commissioner of army accounts.  
That the said Africa Hamlin, having been defrauded  
of a large sum of those certificates, did fail to pay and  
deliver the same to a number of the non-commissioned  
officers and soldiers of the said regiment who were enti-  
tled; and has never since been able to make compen-  
sation to the individuals for whom he received them.

The object of this petition is to obtain compensation  
from the United States for Samuel Brown, one of the  
individuals who suffered in this manner.

The following extract from a report heretofore sub-  
mitted to the consideration of the House, contains a  
statement of the grounds on which applications of this  
nature have been made to Congress, and a view of the  
reasons which influenced the Committee who made that

report, to recommend that provision should be made by law to afford relief.

„ By the establishment for the army, made by Congress, on the 27th of May, 1778, it was directed, “ that the pay-master of a regiment be chosen by the officers of the regiment, out of the captains or subalterns, and that the officers should risque their pay in their hands.” Every officer being thus interested in the ability and integrity of the agent, as well on his own account as on account of the soldiers, was an inspector of the conduct of the pay-master. The choice was generally good; there were but few well grounded complaints against the persons appointed, and for those, prompt, and probably judicious remedies, were administered by courts-martial.

“ At the end of the war it became expedient to disband the army, whom the United States could not then pay, without even delivering to the individuals the evidences of the debts respectively due to them for their services. Accordingly, on the third of November 1783, Congress resolved, “ That the paymaster-general deposit in the hands of regimental agents the certificates for the arrears of pay due to the officers and soldiers of their respective lines; to be by them delivered to the individuals to whom they belonged, or deposited for their benefit, as the supreme executive of the state to which the respective agents belonged, should direct.

“ The last mentioned resolution is silent as to the mode of electing regimental agents. In pursuance of a general order, the agents were appointed by a majority of the officers of each regiment, as in the case of the regimental paymasters. They were therefore to be considered as the legal representatives of the commissioned officers; but the non-commissioned officers and privates, neither voted, nor were they consulted in the choice; they could not, of course, equitably be made answerable for the fidelity of the said agents. Some of those agents proved unfaithful to their trusts, and some of the non-commissioned officers and privates, have thereby been prevented from receiving their just dues.

The question now results, whether the public are not,



upon the principles of equity and justice, under obligations to make good to the non-commissioned officers and privates, who have suffered by the defaults of the said regimental agents, the arrears of their wages, &c. to which they are entitled?

“From the nature of the contract between the United States and the soldiers who engaged in service; from the circumstance of the election of the paymasters having, by act of Congress, been vested exclusively in the officers; and from the express declaration that the officers should risque their pay in the hands of the paymasters; and from the circumstance of the same mode having been observed, in the election of the agents, whose deficiencies are complained of, it seems but reasonable to infer, that the soldiery, who were excluded from any participation in the election of either the paymaster or agent, were not considered as liable to be affected by their delinquencies.”

The resolutions, conformable to the said report, therewith submitted, were disagreed to by the House, on the 19th of March, 1798.

The only important circumstance distinguishing the case of the present petitioner from the general class of claims of this nature is, that the books and papers of the said Africa Hamlin, are within the controul of the government, and might be placed in the hands of such person as Congress should direct: by which means, in case relief was to be granted, it would be more easy to guard against imposition and fraud, than in those instances where the books and papers of the regimental agents could not be found. But this circumstance, in the opinion of the Committee, does not offer a sufficient reason why provision should be made for relief in this case. The Committee therefore report that the petitioner should have leave to withdraw his petition.







1810

George Washington

President of the United States

1789

1797

1800

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# R E P O R T

OF THE

## *Committee of Claims,*

Instructed on the 13th of January last,

TO ENQUIRE WHETHER ANY, AND IF  
ANY, WHAT ALTERATIONS OUGHT  
TO BE MADE IN THE LAW, PASSED

The 12th of June, 1798,

INTITULED

“ An act respecting Loan-Office and  
final settlement certificates, indents  
of interest, and the unfunded or  
registered debt credited in the  
books of the Treasury.”

---

28th March, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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[*Published by order of the House of Representatives.*]

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# REPORT

The first part of the report is devoted to a general statement of the progress of the work during the year. It is followed by a detailed account of the various experiments and observations which have been made, and the results of which are here presented.

The second part of the report contains a description of the apparatus used in the experiments, and a statement of the method of conducting them. It is then followed by a detailed account of the results of the experiments, and the conclusions which have been drawn from them.

The third part of the report is devoted to a discussion of the various points which have been raised in the course of the experiments, and to a statement of the author's views on these points.



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# R E P O R T.

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*The COMMITTEE OF CLAIMS, who, on the 13th day of January last, were "instructed to enquire whether any, and if any, what alterations ought to be made in the law passed on the twelfth day of June, one thousand seven hundred and ninety-eight, intituled, "An act respecting Loan-Office and Final Settlement Certificates, Indents of Interest, and the unfunded or registered Debt, credited on the books of the Treasury,"*

## REPORT—

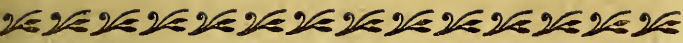
**T**HAT by an act of Congress, passed on the third day of March, 1795, it was enacted, "that all certificates, commonly called Loan-Office Certificates, Final Settlements, and Indents of Interest, which, at the time of passing that act, should be outstanding, should, on or before the first day of January, one thousand seven hundred and ninety-seven, be presented at the office of the Auditor of the Treasury of the United States for the purpose of being exchanged for other certificates of equivalent value and tenor, or, at the option of the holders thereof, respectively, to be registered at the said office, and returned: in which case, it was made the duty of the said Auditor to cause some durable mark or marks to be set on each certificate, which should ascertain and fix its identity, and whether genuine, or counterfeit, or forged: and every of the said certificates, which should not be presented at the said office, within the said time, should be forever barred or precluded from settlement or allowance."

By the act first mentioned, of the 12th June, 1798, so much of the said act, of the 3d of March, 1795, as

barred from settlement or allowance certificates, commonly called Loan-Office and Final Settlement Certificates, and Indents of Interest, was suspended for the term of one year; and provision was made by the same act for the liquidation and settlement of such of the said Certificates and Indents of Interest as might be presented at the Treasury, pursuant to the said act.

A considerable number of that kind of Certificates were presented and settled at the Treasury, within the term of one year, which was allowed for presenting them. This term expired on the twelfth day of June last.

At the present session of Congress, divers petitions have been presented to the House of Representatives, praying, that certain certificates, which were not presented pursuant to the law, may now be received, liquidated and settled, in the same manner they might have been, previous to the said 12th day of June last.— From the information given to the Committee, there cannot be a doubt, but a very considerable number of certificates are in the hands of sundry individuals, which, if they had been presented in season, would have been redeemed and cancelled, and which are now precluded from settlement: But, considering that certificates have once before been precluded, and that a suspension of the law has been once made in favour of this class of claimants, and that, if another suspension should take place for one year further, probably all the certificates would not be presented within that term, and the like reason would still exist for a still further suspension; and as there exist no special reasons which should distinguish these from other claims barred by the acts of limitation, the Committee respectfully submit as their opinion, that no alterations ought to be made in the law passed on the 12th day of June, one thousand seven hundred and ninety-eight, intituled, “An act respecting Loan-Office and Final Settlement Certificates, Indents of Interest, and the unfunded or registered Debs, credited on the books of the Treasury.”



# REPORT

ON THE

# PETITION

OF

# ABRAHAM BELL,

To whom was referred, the said

# PETITION

ON THE

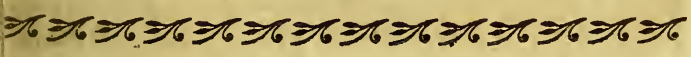
TWENTY-SIXTH OF MARCH EIGHTEEN-HUNDRED.



2d April, 1800.

Ordered to be Committed to a Committee of the whole House, to-morrow.

*[Published by order of the House of Representatives.]*



# REPORT.

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The Committee have considered the petition of  
Messrs. B. & C.

That the petition filed by the petitioners in the  
Secretary of War's office, proposing  
the power to him to draw from the office bank and  
use the same in the purchase of bounty bonds for  
the Secretary of War has decided that the power  
law the Secretary of War is sufficient as they are not  
supplied with a commission of  
and the Secretary of War is not a member of an army  
and the power of the Secretary of War to draw  
from the office bank is not necessary to  
him to draw from the office. The opinion of the  
Secretary of War is not a matter of public policy,  
and the Secretary of War is not a member of an army  
and the power of the Secretary of War to draw

The Committee are of opinion that it would be proper  
for the Secretary of War to draw from the office bank  
in order to purchase bounty bonds for the  
Secretary of War. The power of the Secretary of War  
to draw from the office bank is not necessary to  
him to draw from the office.  
granted.



# R E P O R T.

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*The Committee to whom was referred the petition of*  
ABRAHAM BELL,

## REPORT,

**T**HAT the petitioner states, he has presented to the Secretary of War written instruments, purporting to be powers to him to draw from the office land warrants for certain soldiers entitled to bounty land; that the Secretary of War has declared that the powers to draw the warrants are insufficient, as they are not accompanied with a certificate from a commissioned officer, under whom the granter of the power of attorney performed the military service that entitle him to bounty land; and that such certificate is necessary to conform to the rules of the office. This opinion of the Secretary of War, the petitioner considers oppressive, and prays relief from Congress.

The Committee are of opinion, it would be improper for Congress to interfere with the rule prescribed by the Secretary of War for granting warrants for bounty land; and that the prayer of the petition ought not to be granted.



REPORT

COMMITTEE

of the

THE

SEVERAL PETITIONS

OF

James H. ... and others: of John ...  
and others: of John ...

1805

Printed by ... of the whole ...  
...

Printed by ... of the ...

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# R E P O R T

OF THE

## COMMITTEE,

*To whom were referred, on the 24th of December, and on  
the 1st and 13th of January last,*

THE

## SEVERAL PETITIONS,

OF

*Thomas Burling and others; of John Col-  
lier and others; & of Cato West & others.*

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2d April, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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[*Published by order of the House of Representatives.*]

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# REPORT.

The Committee to whom were referred, the Memorials of Thomas Burnine and others of John Collier and others, and of Cato West, and others,

## REPORT.

On so much thereof as respects the uncertainties and interesting claims, to which the rights and locations of land in the Mississippi Territory are liable, and is to rewarding and encouraging actual settlers by advances of land to be made to them in consideration of their improvements.

In considering the part of the subjects referred to them, the Committee have thought it necessary to examine, by whom, and in what manner, the general rights of soil and jurisdiction in the Mississippi Territory, have been heretofore claimed and exercised. They have particularly consulted for this purpose the report of the attorney general to Congress, containing a collection of charters, treaties and other documents relative to the explanatory of the titles to the land tracts in the south-western parts of the United States: and a digest of the laws of the state of Georgia, lately published, and submit the following brief statement of the most material circumstances, which have occurred to them in this course.

A contest between England and Spain, respecting the boundaries of their territories in this part of America, commenced with the earliest settlements on the shores which the English attempted in Carolina, and the

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# R E P O R T.

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*The Committee to whom were referred, the Memorials of THOMAS BURLING and others, of JOHN COLLIER and others, and of CATO WEST, and others,*

## REPORT,

ON so much thereof as respects the uncertainties and interfering claims, to which the rights and locations of land in the Mississippi Territory are liable, and as to rewarding and encouraging actual settlers by allowances of land to be made to them in consideration of their improvements.

In considering this part of the subjects referred to them, the Committee have thought it necessary to examine, by whom, and in what manner, the general rights of soil and jurisdiction in the Mississippi Territory, have been heretofore claimed and exercised. They have particularly consulted for this purpose the report of the attorney general to Congress, containing a collection of charters, treaties and other documents relative to and explanatory of the titles to the land situate in the south-western parts of the United States: and a digest of the laws of the state of Georgia, lately published, and submit the following brief statement of the most material circumstances, which have occurred to them in this enquiry.

A contest between England and Spain, respecting the boundaries of their territories in this part of America, commenced with the earliest settlements or colonies which the English attempted in Carolina, and the



Spaniards in Florida. At that period England claimed as far south as the twenty-ninth degree of north latitude, Charles the first in the fifth year of his reign, granted to Sir Robert Heath, Carolina,—Florida, lying from the river Matheo in the thirtieth degree, to the river Passa Mayna, in the thirty-sixth degree, of north latitude.

In 1662 Charles the second granted the same country with some small difference of boundary, that is, fixing its southern boundary as within one and thirty degrees of north latitude, to Lord Clarendon and others called the Lords Proprietors, and established it as a province by the name of Carolina: and a subsequent charter by the same Prince in 1664, confirming the last mentioned grant, extended it southwards to the twenty-ninth degree of north latitude inclusive.

In 1670, by the seventh article of the treaty of peace then concluded between Great-Britain and Spain, it was declared, that the King of Great-Britain should remain in possession of what he then possessed in the West Indies and America. It is understood however that the boundary between Florida, and Carolina, continued to be a subject of contest, and a disputed jurisdiction between those powers.

In 1726, seven of the Lords Proprietors of Carolina, (Lord Carteret retaining his share,) relinquished, and surrendered to George the second, then King of Great Britain, seven-eighth parts of the proprietary and their rights under the two last mentioned charters, and this surrender was confirmed by act of Parliament. About this time Carolina was divided into South, and North-Carolina: and after the surrender a part of the latter province was assigned to Lord Carteret, for his share in the original proprietary.

In 1732, George the second granted and established within the boundary of South-Carolina, the colony of Georgia, bounding it from the northern stream of a river called the Savannah all along the sea coast to the southward unto the most northern stream of a certain other river called the Altamaha, and westward from the



heads of the said rivers respectively in direct lines to the south-seas. South-Carolina, after the establishment of the province of Georgia, continued to claim and exercise jurisdiction over the territory lying to the southward of the Altamaha, and in 1758 particularly, the Governor of South-Carolina, encouraged a settlement which had been commenced by one Grey, and his adherents, and granted them patents of land, in that territory.

In the trustees for establishing the colony of Georgia surrendered their charter to George the Second; and in 1754 John Reynolds was appointed Governor of Georgia, then constituted a royal province by the same boundaries which had been given to the colony in the original charter. In 1763, by the treaty of peace concluded between Great Britain and Spain, his Catholic Majesty ceded and guaranteed in full right to his Britannic Majesty, Florida with fort St. Augustine, and the Bay of Pensacola, as well as all that Spain possessed on the continent of North America to the east or south-east of the river Mississippi. In the same year the king of Great Britain, then possessing entirely the right and control of this part of America, established by his proclamation the provinces of East and West Florida. The northern boundary of the former was declared to be, a line drawn from the junction of the Chatahouchee and Flint rivers to the source of Saint Mary's river, and by the course of that river to the Atlantic ocean. The northern boundary of West Florida was declared to be a line drawn due east from that part of the river Mississippi, which lies in thirty one degrees of northern latitude, to the river Chatahouchee. By the same proclamation all the lands lying between the rivers Altamaha and St. Mary's were annexed to Georgia.

By letters patent dated in January, fourth year of King George the third, James Wright, who is recited to have been appointed Governor of Georgia in the first year of George the third, was again constituted Governor of that province, of which the southern boun-

dary was described to be "by the most southern stream of the river St. Mary to the head thereof, and thence westward as far as our territories extend by the north boundary of East and West Florida".

In March 1764 a representation was made by the board of trade to the King of Great Britain, that upon the information of the Governor of West Florida, the northern boundary of that province as lately established had been found by actual surveys to exclude some considerable settlements on the Mississippi, and the town of Mobile itself; and therefore it was recommended and proposed, that an instrument might pass under the great seal in like manner as was directed in the case of the extension of the south boundary of Georgia, declaring the province of West Florida to be bounded to the north by a line drawn from the mouth of the river Yazous where it unites with the Mississippi due east to the river Apalachicola.

It appears, that by letters patent dated 21st November, fourth year of King George the third, George Johnstone, Esq. was appointed Governor of West Florida, bounded on the north by a line drawn due east from that part of the river Mississippi which lies in thirty one degrees of north latitude to the river Apalachicola: and that by other letters patent dated 6th June in the same year of the king, so much of the last mentioned commission to Governor Johnstone as related to the bounds and limits of the said province was revoked, and he was appointed Governor of West Florida, bounded to the northward by a line drawn from the mouth of the river Yazous where it unites with the Mississippi due east to the river Apalachicola.

In 1765 an act was passed by the Legislature of Georgia confirming on certain conditions the grants which had been made by South Carolina to Grey and others of certain lands lying south of the Altamaha.

It appears also that by letters patent dated in July 1767, John Elliot was appointed Governor of West Florida, comprehended within the limits and bounds



which had been established by the commission granted to Governor Johnstone in June 1764: and that the commission and instructions, which were issued to Peter Chester, esq. on the second of March 1770, constituting him Governor of West Florida, gave the same extent to his authority as had been given to Governor Elliot.

In 1777 the Natchez district, so called, described to be on the Mississippi, and to extend from Loftis Clifts up the river to the mouth of the Yazous, being 110 miles, now a part of the Mississippi territory, was purchased by the British superintendant of Indian affairs, from the Choctaws.

In May 1781, the province of West-Florida, was conquered by Spain. It appears that from June 1764, until this conquest when this province was surrendered by Governor Chester, patents and locations of lands within the Mississippi Territory, were granted and made by the authority and under the protection of the British Governor of West-Florida.

In November 1782, by the provisional articles of peace between the United States and his Britannic Majesty the southern boundary of the United States is determined to be a line to be drawn from the Mississippi due east in the northern most part of the thirty first degree of north latitude to the Chatahouchee, thence to its junction with the Flint river and thence to the head of the Saint Mary's river, and by that river to the ocean, hereby adopting and coinciding with the northern boundary of East and West Florida as established by the proclamation of the King of Great-Britain, in 1763, and his commission to Governor Wright, as before-mentioned.

In February, 1783, the state of Georgia, by an act, entitled "An act for opening the land-office, and for other purposes," declared the southern boundary of that state to be, a line drawn from the Mississippi, in the latitude of thirty-one degrees, in a due east course to the river Catahouchee; and in other respects according to the southern boundary of the United States, as settled by the provisional treaty beforementioned.

The definitive treaty between the United States and Great Britain, as concluded on the third September 1783, confirmed the same southern boundary to the United States. The treaty of peace concluded on the same day, between Great-Britain and Spain, declared an entire cession, in full right, of East and West Florida, to Spain; but without defining the boundaries of those provinces.

In February, 1785, the legislature of Georgia established into a county, by the name of Bourbon, a district declared to be within that state, and described within the following lines, viz. Beginning at the mouth of the river Yazous, where it empties itself into the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line to be drawn due east from the termination of the line last mentioned in the latitude of thirty one degrees north of the Equator, as far as the lands reach which in that district have been at any time relinquished by the Indians; then along the line of such relinquishments to the said river Yazous; and thence down the said river, to the beginning. By the same act, the said legislature, considering it as not then proper to grant out the lands within the said district, declared, that whenever that measure should be determined on by any future legislature, there should be a right of preference reserved to possessors of the said lands, who shall be citizens of the United States, or the subjects of any power that was friendly to the United States during the war: Provided, such persons do actually live on, and cultivate such lands, or a part thereof, and shall apply and present themselves on equal terms with other petitioners. It is also thereby enacted, that when it shall be determined on to grant the said lands, the price thereof shall not exceed one quarter of a dollar per acre. By the same act certain persons therein named, and among whom the Committee notice the names of several of the present petition-



ers. It is also thereby enacted that when it shall be determined on to grant the said lands, the price thereof shall not exceed one quarter of a dollar per acre. By the same act certain persons therein named, and among whom the committee notice the names of several of the present petitioners, were appointed justices of the peace there, and provision was made for qualifying them upon such appointments; and the same justices, and any two of them, were authorized to administer to any inhabitant in said district, not proscribed by that or some other of the United States of America, the oath of allegiance to the State of Georgia; and persons who should be qualified by such oaths, were declared to be entitled to vote for, and serve as, members of assembly, or militia officers.

In March 1785, a petition in behalf of South Carolina was preferred to the Congress of the United States, setting forth the difference and dispute which had arisen and then subsisted between that state and the state of Georgia, concerning their respective boundaries. By that petition the state of South Carolina claimed, as within their charters, all the lands lying between a line to be drawn from the head of the river St. Mary, the head of Altamaha, the Mississippi and Florida; and because the state of Georgia contended for the same tract of country as a part of that state, it was prayed that Congress would proceed to have such dispute determined agreeable to the articles of confederation. Georgia was notified, appeared by her agents, and commissioners were appointed.

In 1787 this dispute of boundaries between Georgia and South Carolina was amicably concluded by their respective commissioners. By that convention the northern boundary of Georgia was distinctly ascertained, and it was agreed that the state of South Carolina should not thereafter claim any lands to the eastward, southward, south-eastward, or west of the boundary then established; and South Carolina thereby relinquished and ceded to Georgia "all the right, title and claim which the said state of South Carolina had to the government,



sovereignty and jurisdiction in and over the same; and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of South Carolina had in, or to the said land.

In February 1788, the legislature of the state of Georgia authorized the delegates of that state in Congress, to cede to the United States, all right, title, and claim, as well of soil as of jurisdiction, which that state had to that territory, or tract of country within the limits of Georgia, comprehended within these boundaries, viz. beginning at the middle of the river Chatahouchee or Apelachicola, where it is intersected by the 31st degree of north latitude, and from thence due north, one hundred and forty British statute miles, thence due west, to the middle of the river Mississippi, thence down the middle of that river to where it intersects the 31st degree of north latitude, and thence along said degree to the beginning, upon certain conditions recited in said act, to be performed on the part of the United States. By the same act the state of Georgia repealed the act before mentioned, establishing the county of Bourbon within that territory.

A cession in the terms of the said act of the state of Georgia was accordingly proposed to Congress, and was by them rejected by their resolution of the 15th July 1788, the terms of such cession being deemed inadmissible. Congress at the same time declared, "that in case the said state shall authorize her delegates in Congress to make a cession of all her territorial claims to lands west of the river Apelachicola, or west of a meridian line running through or near the point where that river intersects the 31st degree of north latitude, and shall omit the last proviso in the said act, and shall so far vary the proviso respecting the sum of 171428 dollars and 45 cents, expended in quieting and resisting the Indians, as that the said state shall have credit in the specie requisitions of Congress to the amount of her specie quotas in the past requisitions, and for the residue in her account with the United States for monies loaned, Congress will accept the cession".

In a representation made to the court of Spain, on the subject of boundary, by the commissioners for the United States, on the 7th of December 1793, it is stated that the southern boundary of Georgia was fixed by the Proclamation of the King of Great-Britain in 1763, at a time when no other power had a claim to any part of the country, through which it runs, to begin in the Mississippi, in latitude 31 north, and running eastwardly to the Apalachicola. A like representation was made, in the course of the same negotiation, in August 1795, and by the treaty which was concluded in that year, between the United States and Spain, the southern boundary of the United States, was finally agreed to be as it is described in the definitive treaty beforementioned between them and Great-Britain. It appears that after the acquisition of West Florida by Spain, the Spanish Governor of that Province granted patents and permitted locations of lands within the Mississippi Territory, until, and even subsequent to, the relinquishment of it by Spain, in his treaty with the United States.

The Legislature of the state of Georgia, by an act passed December 22d, 1789, in which it is recited that divers persons from the state of Virginia, North-Carolina, and South-Carolina, had made application for the purchase of certain tracts, and parcels of land, lying and bordering on the Tennessee, Tom or Don-Bigby, Yazoo and Mississippi rivers, within the state of Georgia, and had offered to engage to settle the same, and that a part of such territory had been already settled on behalf of some of the applicants under and by virtue of the act beforementioned for laying out and establishing the county of Bourbon, granted and engaged to reserve as a pre-emption for certain companies which are named in the said act, distinct tracts of the said territory for the term of two years thereafter and to be conveyed to them respectively in case certain payments of money as a consideration of such grants should be made within that term.

In 1795, the Legislature of Georgia by an act in which the territorial and jurisdictional rights of the said

state according to boundaries coinciding with the southern boundary of the United States are again recited and declared, granted and transferred for valuable considerations to several companies therein mentioned, all their vacant territory bordering westerly on the Mississippi river, in distinct tracts, and among the others, a tract comprehending a part of the Mississippi Territory. The valuable considerations to the amount of five hundred thousand dollars required by the said act to be paid for the said purchases, it is said, were actually paid into the Treasury of the State of Georgia, and patents were made of the said tracts to the respective purchasers by the then Governor of Georgia pursuant to the same act.

A succeeding Legislature of the same state by an act of the thirteenth February 1796, declared the last mentioned act and all sales and proceedings by virtue thereof to be utterly null and void for certain reasons therein set forth.

The Committee have not been able to procure any documents relative to the claims of the petitioners or other inhabitants, for particular grants and locations of lands, in the Mississippi Territory. Respecting these, the representations in the memorials are probably correct, some claimants will derive their titles, or supposed titles, under the authority of the British Government: while others claim under grants from the Spanish Governor of West Florida, and others hold only by settlement and improvement. A list of the disputes known or apprehended to exist, exhibited to the Committee by an agent for the petitioners is herewith submitted.

From this view of the subject it has appeared to the Committee that besides the interfering claims between the United States and Georgia, to the soil and jurisdiction of this and the adjacent territory on the Mississippi, other interfering claims to parts of the soil of the same territory and especially the claims in the Mississippi Territory represented by the petitioners, deserve the immediate attention of Congress.

The Committee are however aware that Congress



ought not to proceed to adjust under the authority of the United States any claims of the soil until the jurisdiction, of this territory, shall be established in them, in full right, by the determination, or adjustment, of the commissioners, who have been mutually appointed by the United States and Georgia, for this purpose. But considering that an adjustment to this effect will be probably accomplished at an early period, between the United States and Georgia, that the petitioners and other claimants will require time to prepare the specifications and evidence of their respective claims, that the anticipation of a summary tribunal to which the claimants may resort for a determination and adjustment of their numerous disputes, will afford them a desirable relief from their present anxieties and uncertainties; that actual settlers under whatever jurisdiction they have proceeded may reasonably expect to be quieted in their improvements, and that the value of what may remain of this territory to the United States, its population and improvement, will be increased and promoted by a speedy determination on these subjects, the Committee beg leave to recommend the following resolutions to be adopted by the House.

*Resolved,* That provision be made by law to enable the inhabitants of the Mississippi Territory and all claimants of land there, to make as soon as may be to the Executive Department of the Government of the United States, full and distinct specifications of their respective claims—also to direct the mode of taking and certifying the evidence which shall be required to establish the same.

*Resolved,* that the President of the United States shall be authorized by law to appoint Commissioners, who shall have authority to enquire into, adjust and determine, according to justice and equity, and by such rules as shall be prescribed to them by the Congress of the United States, all interfering claims and titles of land in the Mississippi Territory: Provided, That such commissioner shall not proceed herein until the jurisdiction of the said territory shall be by a deter-

mination and adjustment of the interfering claims thereto, or by a cession from the State of Georgia, vested in full right in the United States.

*Resolved*, That provision be made by law to enable the President of the United States to confirm by letters patent in the name and behalf of the United States, to the respective claimants who shall be entitled to all such rights and locations of land in the said territory as shall be awarded and adjudged to them by the said commissioners, and pursuant to such awards and judgments, which confirmation shall avail to the respective claimants and shall be effectual against all interfering claims which shall have been determined by the said commissioners upon the submission of the parties interested and against all other claims which shall not be pursued in due course of law within \_\_\_\_\_ years after the awards and judgments of the said commissioners, shall be published in the United States.

*An enumeration of claims, as subjoined to a draft of a Memorial transmitted to the Committee by William Dunbar, Esq. late Deputy Surveyor, under the said Government, in his own hand writing.*

**E**NUMERATION of the various species of titles and claims of land now existing in the Mississippi Territory.

1. Lands granted by the British Government and held in possession by their first proprietors, or their assigns to the present time.

2. Lands granted by the British Government, by virtue of Mandamus from the King and which have never been actually occupied or improved by their proprietors or agents.

3. Lands granted by the British letters patent from the Provincial Governors of West Florida, containing certain conditions of improvement to be made within three years from the date of the Grant, and forfeitable for failure of performances of said improvements; and



which said lands have never been occupied or improved by their proprietors or their agents, who have not even resided in the country for many years past.

4. The last description of lands once improved in a small degree during the British Government, but afterwards abandoned for many years to the present time.

Before we come to enumerate Spanish Grants, it is necessary to premise, that the time granted by the Treaty of Peace, for British Subjects, to sell, dispose of, convey or settle their lands was prolonged by the indulgence of the Spanish Government to an unusual length of time, which was made public by reiterated Proclamations; and it was not until after the expiration of a period of three years added to the term allowed by the Treaty of Peace, that the Spanish government commenced granting of lands, which had formerly belonged to British subjects, who paid no attention to the Invitation frequently renewed of the Spanish Governors of West Florida.

5. Spanish Grants of lands which have always been vacant, under the British Government.

6. Spanish Grants laid upon British titles by Mandamus; the lands being now established into plantations by the Spanish Grantee, but which were never occupied and improved by the British proprietor.

7. Spanish Grants on lands formerly granted by letters patent from British Governors, but which lands have never been occupied by the British patentee, not residing in the country.

8. The last description of title, with this difference, that the British patentee although he never occupied or improved the lands, was nevertheless a residenter in another part of the colony; who upon resisting this new grant of his lands, by petition to the Spanish government has been rejected upon the double principle of non occupancy and failure of improvement agreeably to the conditions of his British Grant, as well as disobedience to the reiterated Spanish Proclamations to the same effect.

Note, some of those original proprietors, have al-

ways resided on the Spanish colony, and some of them in this Territory, and are supposed in many cases to have petitioned for and received of the Spanish government compensations by new grants of lands for such of these as had been given to others.

9. Lands purchased at public sale, or otherwise, of the Spanish government; which lands had been declared forfeited in consequence of an insurrection or species of rebellion in favor of the British, during the siege of Pensacola, and some time after the Natches had been surrendered by capitulation. Within the above description are lands which had been granted by British mandamus, as also by patent from governors of West Florida.

10. Lands, for which warrants of survey had been obtained of the Spanish government, surveyed, and plantations established long before the Spanish treaty; but by delay, though inattention, not patented until after the ratification of said treaty.

11. Lands, with the above described titles, with this difference, that the proprietors have neglected to complete their titles by taking out patents, now holding the Spanish warrant of survey with plot and certificate of the district surveyor.

12. Lands for which Spanish warrants of survey were obtained before the ratification of the treaty; surveyed and patented after the treaty.

13. Lands of the last description, with this difference, that they have never been patented.

14. Warrants of survey and patent obtained since the treaty, but during the exercise of the Spanish jurisdiction, assented to by the representatives (then present) of the government of the United States, (viz.) commissioners Ellicott and lieutenant Pope, as appears by an instrument of writing, containing a convention between the Spanish Governor and people, ratified, approved, and guaranteed by Messrs. Ellicott and Pope.

15. Warrant of survey with plot and certificate of the district surveyor, obtained since the treaty, but no patent.

16. Warrant of survey obtained before the treaty, and improvement, land not measured.

17. Warrant of survey obtained since the treaty, with improvement including houses, crop, &c. but land not measured.

18. Warrant before the treaty without improvement or measurement of land.

19. Warrant since the treaty, without improvement or measurement.

20. Improvement by occupancy, including houses, crop, &c. by verbal permission of the Spanish Governor, with surveyor's certificate, of the land being vacant at the time of taking possession.

21. Similar improvements to those last described, with residence, but without any authority by warrant written or verbal.

22. Lesser improvements, by raising a small crop, but without residence.

23. To the above list may be added the claims of the New-England company purchasing from the State of Georgia.

A True Copy.

CATO WEST,

Chairman of the Committee.

October 21st, 1799.

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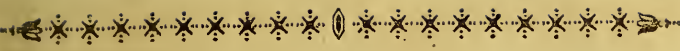
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# REPORT

OF THE

# COMMITTEE

*To whom was Referred on the 7th Ultimo,*

THE PETITION OF

*WILLIAM HILL*

AND OTHERS.



4th. April, 1800,

Committed to a Committee of  
the Whole House on  
Monday next.

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*[Published by order of the House of Representatives.]*

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# REPORT.

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*The Committee to whom was referred the Petition of William Hill and others,*

## REPORT—

**T**HAT the limits of the State of North-Carolina, which they claimed by Charter, previous to the adoption of the Federal Constitution were the Atlantic Ocean on the East, the State of Virginia to the North, the River Mississippi on the West, and the State of South Carolina on the South; within which limits was comprehended a considerable tract of country occupied and used by the Indians for their residence and hunting grounds.—That in the month of November 1777, the General assembly of the State of North Carolina passed an act for establishing offices for receiving entries for claims for lands in the several counties within the State whereby they authorized the granting of any land lying in any county within the State which had not been granted by the Crown of Great-Britain nor the Lords Proprietors of Carolina, before the 4th day of July 1776, or which had accrued or should accrue to the State by

treaty or conquest.—That in the month of May 1778, the General Assembly passed another act to amend the abovementioned act, and they did therein ascertain and declare the Western boundary of the said State, describing a line which comprehended all the lands claimed at that time to have been ceded by the Indians, or conquered from them: Which line did not extend so far Westward as the present boundary line between the United States and the Indian tribes; and by that law all past entries or surveys which had been made over and beyond the said line were declared void, the money which had been received for them by the entry takers, including their own fees, was ordered to be refunded, and all future entries or surveys prohibited.

On the 17th of May 1783, another law of the said state was passed, whereby the Western boundary of the same was extended to the Mississippi, including all the lands within the limits of the State, and a land office was opened for entering and surveying the same, for the purpose of discharging certain debts contracted during the late war:—excepting from such entry or survey a certain tract bounded and described in the said act, and declared to be reserved for the Indians, and certain other tracts reserved for special purposes.

That in pursuance of the provisions of this act and of an act passed in June 1784, various entries and surveys were made of the lands in question. It appears also that on the said 17th of May 1783, another act of the Legislature was passed whereby, after stating that “holding treaties and appointing agents to keep up a continual friendly intercourse with the Cherokee Indians might prevent future wars, and save expence of blood and treasure,” provision was made for holding a treaty with the Indians and providing for the expence of such treaty, and of presents to be given to the Indi-

ans, in consideration of lands by them to be ceded to the state—but it does not appear that any such treaty was holden.

On the 28th day of November 1785, the United States made the treaty of Hopewell with the Cherokees, and established a line between the United States and the said tribe, excluding a large portion of the lands which had been entered and surveyed, by virtue of the said acts: at which treaty the agent of North Carolina attended and protested against it, as intrenching upon the rights of that state; this treaty was however agreed to and ratified by the United States, and the said tribe. On the 21st of November 1789, North Carolina acceded to the Constitution of the United States, and on the 22d of December following, passed an act ceding to the United States all her Western territory including all the said lands; in which cession it is made a condition, that “All entries made by or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits thereby intended to be ceded to the United States, should have the same force and effect as if such cession had not been made, and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States.” Which cession was by an act of Congress passed April 2d 1790, accepted.

On the 2d of July 1791, the treaty of Holston was made with the Cherokee tribe of indians, in which the present boundary line between the United States and the said Indian tribe was established, and all the



lands lying beyond the said line secured thereby to the said tribe, whereby a considerable portion of the lands intended and surveyed by virtue of the said act and entered to have been secured to the proprietor by the said deed of cession is excluded.

The Committee having in compliance with the order of the House, examined and considered the above facts, are of opinion, that provision should be made by law enabling the President of the United States to extinguish by treaty the title of the Indians to the lands, the title whereof were specifically reserved and secured by the above recited condition in the deed of cession of North Carolina, or to so much of the land ceded by the said state, as will be sufficient to satisfy the claims so reserved, by removal of the location made under the authority of North Carolina. They therefore recommend the following resolutions.

*Resolved*, That the sum of \_\_\_\_\_ dollar ought to be appropriated by law, to defray the expense of such treaty or treaties, as the President of the United States may deem it expedient to hold with any nation or nations of Indians South West of the River Ohio.

*Resolved*, That provision ought to be made by law authorizing and enabling all persons who, under the laws of North Carolina, and in conformity to the regulations and provisions thereof, have entered, surveyed, located, or obtained grants of any of the lands ceded by the said state to the United States, in such manner as would have vested a good title under the said state of North Carolina, if such cession had not been made, to enter upon, occupy and possess the same, or to remove thereto their locations from such lands, the titles whereof shall not be extinguished, whenever



and as soon as the Indian title or claim to a sufficient portion of the said land shall be extinguished under the authority of the United States, and to possess and enjoy the same in as full and ample manner as if the same had been derived from or under the United States.



R E P O R T

OF THE

C O M M I T T E E,

*To whom was referred, on the 7th ultimo,*

THE

M E M O R I A L

OF

*MATTHEW PATTERSON,*

And fundry other persons, residing on  
the Western Borders of North and  
South-Carolina.

---

7th April, 1800.

Ordered to lie on the table.

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8th April, 1800.

Committed to a Committee of the whole House, on  
Thursday next.

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[*Published by order of the House of Representatives.*]

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# REPORT

Presented to the General Assembly of the State of New York  
in the year 1861  
by the  
COMMISSIONERS OF THE LAND OFFICE

The following report contains a full and complete statement of the  
lands owned by the State of New York, and of the proceeds of the  
sale of the same, during the year 1861. It also contains a full and  
complete statement of the lands owned by the State of New York,  
and of the proceeds of the sale of the same, during the year 1860.  
The report is divided into two parts, the first part containing a  
full and complete statement of the lands owned by the State of  
New York, and of the proceeds of the sale of the same, during the  
year 1861, and the second part containing a full and complete  
statement of the lands owned by the State of New York, and of  
the proceeds of the sale of the same, during the year 1860.



# R E P O R T.

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*The Committee to whom was referred, the Memorial of MATTHEW PATTERSON, and sundry other persons, residing on the Western Borders of North and South Carolina, having taken into consideration the matter of the said Memorial, and such information relative thereto as it has been in their power to obtain; beg leave to submit to the House, the following*

## REPORT THEREON,—

**B**ETWEEN the latitude 35, which is the southern boundary claimed by North-Carolina, and the northernmost boundary of Georgia, as settled by a Convention between that state and South-Carolina in the year, one thousand seven hundred and eighty-seven, there intervenes a tract of country supposed to be about twelve miles wide, from north to south, and extending in length, from the top of the main ridge of mountains which divides the eastern from the western waters, to the Mississippi. This tract, consequently, remained within the limits of South-Carolina; and in the year one thousand seven hundred and eighty-seven, it was ceded by that state to the United States, who accepted the cession.

On the eastern extremity of this tract, immediately at the foot of the main ridge of mountains above mentioned, are situated the people whose case is now under consideration, and who appear to amount in number to about fifty families. It does not appear at what period they made the settlement; nor have they any title to the lands on which they have settled and



made improvements. No such title indeed could have been erected, as those lands remained within the boundaries of the Cherokees, till the last cession made by them to the United States. It appears that they are included in that cession, and have thereby become completely the property of the United States.

It does not appear that the lines which bound the tract of land in question, and divide it from North-Carolina, on one side and Georgia on the other, have ever been established by public authority; but they have been so far ascertained by private surveys of a very authentick nature, as to leave little doubt that the settlement in question is contained within that tract. On this point, and others relative to the subject in general, the Committee beg leave to refer to the subjoined extract of a letter from General Pickens of South-Carolina, to one of its members. The high character of that gentleman, and his thorough acquaintance with the subject, leave no room to doubt the accuracy of his representations.

The relief prayed by the Memorialists is twofold. First to be placed under some government; and secondly to have some confirmation of their right to the lands on which they have settled and made improvements.

As to the first, they represent that they prefer the government of South-Carolina, and lie much more contiguous to the settled parts of that, than of any other state. This the Committee find to be the case. They are very remote from the settlements of Tennessee, equally so from those of North-Carolina; and so near to South-Carolina, as to be able to attend one of its courts without great inconvenience.

They therefore pray to be annexed to that state. As they are at present wholly destitute of government, it appears to the Committee that their request is reasonable, and ought to be complied with; since the settlement is far too inconsiderable and detached, to warrant the establishment of a territorial government. This annexation may be effected by a cession of the jurisdiction to South-Carolina, which it is presumed that state will

readily accept. Such a measure the Committee recommend.

As to the second point, the confirmation of title, the Committee conceive that it would be inexpedient to make any direct confirmation of titles to land under such circumstances; and as the lands belonging to the United States, in that quarter, are too inconsiderable in value and extent, to justify the adoption of a general system for the sale of them, a right of pre-emption to these settlers would be of little avail. To grant such a right might, moreover, tend to the introduction of a principle which ought to be carefully avoided. The best expedient as the Committee conceive, would be to cede the right of soil, as well as of jurisdiction, to South-Carolina; which state, should it accept the cession, will no doubt, take proper measures for protecting the claims of these people, so far as they may be just and reasonable.

In conformity to this view of the subject, the Committee beg leave to submit to the consideration of the House the following resolution, viz.

*Resolved*, That for extending the benefits of civil government to the settlers on and near the head of French Broad River, it is expedient to cede to the State of South-Carolina, the right of soil and jurisdiction in of and to such part or parts of any lands which may be found to belong to the United States, contiguous to the western boundary of that State, as will include the lands at present occupied by the said settlers.

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*Extract of a Letter from Major-General PICKENS, of South Carolina, to the Honorable Mr. NOTT, Representative in Congress from that State, dated January 1st, 1800.*

“There is one other matter which I would wish to draw your attention to, which is the land on French Broad River, which was purchased from the Cherokees, at a treaty held in 1798, by George Walton

and Colonel Butler, at Tellico, and the line run last summer by Captain Butler, as commissioner appointed by the President for that purpose. The land is settled by about forty-five or fifty families; they knowing it to be within the Indian claim, and within the ancient limits of this State, but ceded to the United States by this State, some years ago.

“ But before those people settled on the land, it was surveyed, and grants obtained for most part of it from the State of North-Carolina; and perhaps by men who paid little regard whether it was within the Indian claim or the limits of South-Carolina. Those people live, I am convinced, south of the 35th degree of latitude. When I run that part of the Indian boundary, under the Holston treaty made by Blount, the South Carolina Indian boundary was to extend N. E. to the North-Carolina boundary. The boundary between North and South-Carolina, had not been extended by authority, so far as where the north-east line from Toogsto river would intersect. I sent the surveyor, Colonel Kirkpatrick, to the place where the commissioners under the British government for running the boundary between the two provinces, now States, had stopt near Thigon Mountain, and run with the compass due west. Two experiments were made, at different times by different artists, near the intersection of the two lines which I had made, and both made the 35th degree near a mile north of where I made the junction of the Indian Boundary. All which proves to me, that those people live on the land which this State has ceded to the United States.”



REPORT

COMMITTEE

ON

THE

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...

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R E P O R T

OF THE

C O M M I T T E E

*To whom was referred, on the 13th ultimo,*

THE

P E T I T I O N

OF

*WILLIAM TAZEWELL.*

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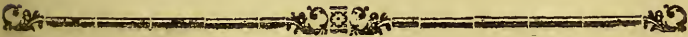
9th April, 1800.

Committed to a Committee of the whole House, on  
Monday next.

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*[Published by order of the House of Representatives.]*

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# R E P O R T.

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*The Committee to whom was referred the Petition of  
WILLIAM TAZEWELL, Secretary of ELBRIDGE  
GERRY, Esq. one of the late Envoys from the United  
States of America to the French Republic,*

## REPORT—

**T**HAT when Mr. Gerry was about to embark for the United States, he requested Mr. Tazewell to remain in Paris, for the purpose of superintending the publication of some letters from Mr. Gerry to the Minister of Exterior Relations of the French Republic; and employed Mr. Tazewell, after that service should have been performed, to carry dispatches to Mr. Murray, and Mr. King, the Ministers of the United States at the Hague, and at London, informing them of his departure from Paris, and of the existing state of the relations between the United States and France. In consequence of this extra service, Mr. Tazewell was prevented from embarking with Mr. Gerry on board the United States' brig Sophia, and on his return to America, was captured by a French privateer and sent into Corunna, in Spain, from whence he travelled by land to Lisbon, at which place he embarked for the United States. Mr. Tazewell claims a continuance of compensation until his arrival in the United States, and a reimbursement of the expences incurred while on his journey to the Hague, and to London, and afterwards until his arrival in America.—Two letters from Mr. Gerry to Mr. Tazewell, and one from Mr.

Tazewell to the Secretary of State, which accompany this Report, shew the nature of Mr. Tazewell's engagement with Mr. Gerry, and of his claim on the United States, with the causes of his situation.

A letter from the Secretary of State to the Chairman of this Committee, and which also accompanies this Report, shews the allowance he is willing to make Mr. Tazewell, and states his view of the claim.

Your Committee is of opinion, that the principles adopted by the Secretary of State, for the settlement of the compensation to be received by Mr. Tazewell, for his services, are reasonable; but that in the settlement of his accounts, his claim for necessary expences incurred by a capture to which he was subjected by being employed in the service of the United States, ought to be admitted. Your Committee, therefore, propose the following resolution:

*Resolved*, That in settling the accounts of William Tazewell, Secretary of Elbridge Gerry, Esq. one of the late Envoys from the United States of America to the French Republic. the Secretary of State be authorized to allow the expences incurred by him in consequence of his being captured on his return to his country.

MIGNON, 27th JULY, 1798.

DEAR SIR,

THE Dispatches for Mr. King. are to be delivered to him by yourself. In the interim, you will please not to let them be put out of your possession, or to be communicated to any one.

As soon as my letter of the 27th of July can be translated, publish it, preceded by my note of the 25th of July: both being to the French Minister of Foreign Affairs.—Be very careful to correct the proofs, and to

have every part of the letter truly corrected, otherwise, there will be gross misrepresentations. Say nothing to any one before the publication, except to the person who may assist you in the translation.

Wishing you a pleasant journey to Holland, and safe return to the United States.

I remain, Dear Sir,

Your Friend and

Humble Servant,

ELBRIDGE GERRY.

DR. TAZEWELL.

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CAMBRIDGE, 6th MAY, 1798.

DEAR SIR,

YOU will probably find a receipt in your files, signed "Boffinger Foster," jun. for 787 1-2 dollars, and will please to deliver it to Mr. Pickering. I have written to the Secretary on the subject of your allowance, and conceive, that your salary as my secretary, will terminate with my own on the 26th of July, the day of my leaving Paris; and that you will be afterwards allowed for your extra services and expences, until your arrival at Philadelphia. There is a general rule, without doubt, which will apply to the case; but I am not informed of it. I delivered the book you lent me to Mr. Humphreys,

And remain your

Friend and Humble Servant,

E. GERRY.

DOCTOR TAZEWELL



PHILADELPHIA, 5th APRIL, 1799.

DEAR SIR,

I HAVE thought proper to accompany the enclosed account, as well with a few lines of explanation, as such other papers as may be necessary to your own justification in their settlement.

You will observe in Mr. Gerry's letter, that he expected me to charge for services as his secretary up to the 26th July; but as I remained in Paris by his instruction, to publish a letter to the French Minister, I have charged to the 7th August, the day of my departure from that city.

My detention in England was occasioned by the following circumstance; waiting the convoy which was appointed to sail for America in ten days after my arrival in London, viz. the first of September. I engaged my passage in the Pacific, for Charleston, and was obliged (for such is the custom) to pay half the passage money, 20 guineas, in advance, or should have embarked at Liverpool, which I afterwards found would have been a more expeditious route. The sailing of the convoy alluded to, was deferred from week to week, till the 20th November, when I embarked at Portsmouth. On the 10th of December the Pacific was captured by a French privateer, and sent to Corunna. Plundered in part of my clothes and all the money I had with me, I was landed at Vigo (Spain) on the 14th of the same month, and thence did not reach Lisbon, the nearest port from whence a passage could be procured to America, till the 10th of January.

From Lisbon the first opportunity 'twas thought safe to embrace, was by the brig Angelica, for Philadelphia, where I arrived the 30th of March.

It now only remains for me to hope my conduct will meet your full approbation; and that should my services at any time be worth calling for, they may be commanded without reserve.

With the highest esteem and respect,

I have the honor to be,

Your Obedient Servant.

W. TAZEWELL.

TIMOTHY PICKERING, Esq.

*Copy.*

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DEPARTMENT OF STATE,  
APRIL 1st, 1800.

SIR,

**A** GREEABLY to your request, I present to you such facts and observations as appear to me proper to elucidate the claim of Doctor William Tazewell, for services and expences performed and incurred in the employment of secretary to Elbridge Gerry, Esq. one of the Envoys of the United States to France.

In general, it is supposed, that an American minister and his secretary go from their home in the United States on the appointed mission: and when a minister is re-called, it has been the invariable practice, to allow him one quarter's salary, and no more, after the day on which he receives his letter of recall, to compensate for the probable time and expence of his return. If his passage be short, and the voyage be performed in one month, the salary of the other two months are his gain. If a long passage or other accidents procrastinate his return to any period after the lapse of the quarter, it his loss. On an average, three month's time and pay may be considered fully adequate to the return of a minister.—As to the secretaries of minister's, although

I did not find the like established usage, yet the reason being the same, I have constantly made them the same allowance of one quarter's salary for their return, when the ministers they attended have resigned or been recalled.

If any exception to this rule were to be made, Dr. Tazewell presents an instance. He did not leave home to attend one of our ministers to Europe: he was in Paris attending the lectures, to qualify himself for the medical profession. In this situation, and when it is understood, that having finished his medical education, Dr. Tazewell was about returning to Virginia, Mr. Gerry wanting a secretary to replace the one who had resigned, engaged Dr. Tazewell. This, as appears by a letter from Mr. Gerry, was on the 30th of March, 1798.

On the 12th of May following, Mr. Gerry received my letter of the 23d of March 1798; and as he had no authority to negotiate alone, and as none of the circumstances existed, which, according to the tenor of that letter, if all the Envoys had remained in Paris, would have justified a continuance of negotiations, it was consequently a letter of recall; and from three months after that day, I have considered that Mr. Gerry's salary ought to cease; and of course, in ordinary cases, the salary of the secretary would also cease. But viewing the secretary as not responsible for the misconduct, or erroneous judgment of a minister, I consented to extend Dr. Tazewell's salary to July 26th, when Mr. Gerry quitted Paris, thence to August 7th, while the Doctor remained there, pursuant to Mr. Gerry's orders, to get translated and printed his last letter and note to Mr. Talleyrand; and from August 17th to the 23d, while he was travelling from Paris to the Hague, and thence to London, to communicate to Mr. Murray and Mr. King, the state of things at the conclusion of Mr. Gerry's negotiation with M. Talleyrand: and reckoning from the 23d of August, as you may recollect, during our conversation last autumn, I proposed to allow Dr. Tazewell one quarter's

salary for his return. I continue to think, that with a settlement on these principles, he ought to be well satisfied.

The Doctor says, that his detention in England, and his subsequent capture and detention in Spain and Portugal are to be ascribed to his executing Mr. Gerry's orders at Paris, the Hague, and London, and that otherwise he should have come home in the United States brigantine Sophia, with Mr. Gerry, and thus have lost no time, nor incurred any expenses. To which I answer, that, though sometimes done, it is not usual for the United States to provide vessels to convey their Ministers to and from European Courts : but they generally provide and pay for their passages themselves ; and Dr. Tazewell cannot found a *right* on what is *sometimes* a public *gratuity*. Further, I remark, agreeably to what has been stated as a general rule, that Dr. Tazewell cannot, with any sort of propriety, insist that the United States should ensure him against contingencies which might occasion his loss, while they were excluded from any benefit of his gain. Decency even required that he should be content, and not persist in urging the violation of a general rule, because its operation chanced in his particular case to be unfavourable. Perhaps an adjustment not chargeable with rigour, might be made, which should exclude Dr. Tazewell from the quarter's salary for his return : The United States did not send him abroad for their service ; and I do not know that they were bound to bring him home.

I am, with great respect,

Sir, your obedient servant,

TIMOTHY PICKERING.

JOHN MARSHALL, Esq. Chairman of the Committee on Dr. Tazewell's claim.



THE  
COURT

OF THE  
COMMONS

IN PARLIAMENT ASSEMBLED

THE  
REPORT

OF THE  
COMMISSIONERS





R E P O R T

OF THE

C O M M I T T E E,

Appointed to enquire into the expediency of making  
further provision for the relief of the

Widow and Orphan Children,

OF THE LATE

*COLONEL JOHN HARDINGE ;*

AND FOR THE

Orphan Daughter,

OF THE LATE

*MAJOR ALEXANDER TRUEMAN.*




9th April, 1800.

Committed to a Committee of the whole House,  
to-morrow.

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*[Published by order of the House of Representatives.]*





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# R E P O R T.

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*The Committee appointed to enquire into the expediency of making further provision for the relief of the widow and Orphan Children, of the late COLONEL JOHN HARDING; and for the Orphan Daughter of the late MAJOR ALEXANDER TRUEMAN,*

*REPORT,—*

**T**HAT it appears from the annexed papers which the Committee found on the files of the House that both those officers, on undertaking a very hazardous service, received assurances, that, in the event which afterwards happened, their families would be provided for by the government of the United States,—that although the government may not be absolutely bound to fulfil those engagements, and although the measure of its bounty is not fixed by them; the Committee are of opinion that neither the honor nor interest of the government should permit it wholly to violate such engagements, where the danger to be encountered justified then being entered into, or to make a provision inadequate to their objects.

That the Committee are of opinion that the previous stipulation and the nature of the service in which Colonel Harding and Major Trueman were engaged, should distinguish their cases from those of officers killed in ordinary military service,—little honor attending the most complete success in such enterprizes, much smaller inducements exist for engaging in them than in those military risques which may produce great renown. The Committee are therefore of opinion that the Unit-

ed States ought to make a suitable provision for educating the sons of Colonel Harding, and for the support of his daughters, and the daughter of Mr. Truman, so long as they remain unmarried, all of them, as the Committee are informed, being destitute of the fortune necessary for those uses, and for this purpose, beg leave to report a bill for the consideration of the house.

Committee of Claims

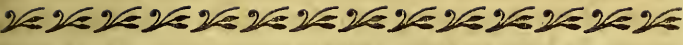
PETITION

WILLIAM NICHOLS

Presented to the House of Representatives  
of the United States  
in the year 1817

Printed by G. Blodgett, at the Office of the Clerk of the House of Representatives

1817



R E P O R T

OF THE

*Committee of Claims,*

*To whom was referred, on the 8th of January last,*

THE

P E T I T I O N

OF

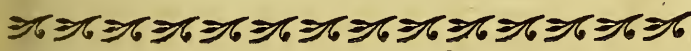
WILLIAM NICHOLS.



9th April, 1800.

Committed to a Committee of the whole House,  
to-morrow.

[Published by order of the House of Representatives.]









# R E P O R T.

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*The COMMITTEE of CLAIMS, to whom was referred the petition of WILLIAM NICHOLS, late Marshal of the District of Pennsylvania,*

## REPORT,—

**T**HAT he prays to be allowed for divers sums of money by him paid and advanced to sundry persons, who were summoned, and did attend as witnesses and as jurors, on the trials of the insurgents, in the year one thousand seven hundred and ninety five, and for several sums of money paid to his deputies for their services, in aiding him to discharge the duties of his said office.

With respect to any advances which he may have made to his deputies, other than such as have been allowed to him, the Committee think it should be left as a matter to be adjusted between the marshal and his deputies, and that he should receive nothing further on that account from the United States.

The Committee find that the petitioner's accounts have been legally and properly settled at the Treasury, and that he has been credited for such disbursements and advances to jurors and witnesses as were warranted by the existing laws at the time when those payments were made.

There is however full evidence that he paid to many individuals who come from a great distance to attend their duty at court, sundry sums more than their legal fees—in no instance does it appear that the advances made by him could be considered as exceeding a rea-

sonable compensation to those who performed services as jurors and witnesses.

It is to be recollected that these payments were made by the petitioner soon after his appointment to the office of Marshal; and there are grounds to conclude, from the information he received, and from the unusual circumstances of the cases of the jurors and witnesses who were thus paid by him, that he supposed the monies advanced might be legally allowed to him on the settlement of his accounts; but in this expectation he has been disappointed.

The Committee are of opinion that under the circumstances which gave rise to this part of his claim, the petitioner is reasonably entitled to relief—they therefore respectfully submit the following resolution for the consideration of the House, viz:

*Resolved,* That on the settlement of the account of William Nichols, late marshal of the district of Pennsylvania, the accounting officers of the Treasury, be and they are hereby authorized and directed to allow and pass to his credit, such sums of money as shall appear to have been paid by him, as their compensations, to the jurors and witnesses who were summoned and did attend the circuit court of the United States, for said district on the trial of the insurgents, in the year one thousand seven hundred and ninety-five, although the said sum may have exceeded those allowed by law at the time.

46

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R E P O R T

OF THE

C O M M I T T E E

*To whom were referred,*

S U N D R Y P E T I T I O N S,

OF

Persons residing in the North Western  
Territory, between the Great and  
Little Miami rivers, on the subject

OF

J U D G E S Y M M E S ' S  
P U R C H A S E.

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16th April, 1800.

Ordered to lie on the table.

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[*Published by order of the House of Representatives.*]

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# R E P O R T.

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*The Committee to whom were referred, sundry petitions of persons residing in the North Western Territory, between the Great and Little Miami rivers, on the subject of Judge Symmes's purchase,*

## REPORT,—

THAT on the 15th of October, 1788, the late board of Treasury, by virtue of resolutions of the 23d and 27th of July, and 23d of October, 1787, contracted with John Cleves Symmes and his associates, for a grant of a tract of land lying in the Western country, and bounded westwardly by the Great Miami; southwardly by the Ohio; eastwardly by a line beginning on the Ohio, at a point twenty miles distant and above the mouth of the Great Miami, and extending from the said spot in a course parallel with the general course of the Great Miami; and northwardly by a line running due East and West from the last mentioned line, to the Great Miami, so as to include one million of acres; reserving, however, five lots out of each township contained in the said million of acres, and agreeing that the United States should cause the said tract to be surveyed, and the bounding lines of the same to be plainly marked; a plat thereof to be returned to the board of Treasury, and a counterpart of the same to John Cleves Symmes. For which tract, the said J. C. Symmes agreed to pay at the rate of two thirds of a dollar per acre (an allowance of one third of a dollar being made from the sum of one dollar per acre, or

bad lands and incidental charges) for such quantity of land as should be found to be comprized in the said tract, after deducting the lots to be reserved as aforesaid. The sum of 82,198 dollars (one seventh in military rights, and the residue in public securities of the United States) had been paid into the Treasury of the United States, by the said Symmes, before the sealing of the contract, and the remainder was to be paid in manner following, *that is to say*: the sum of 82,198 dollars within one month after the said plat should have been delivered, and the lines and boundaries of the said tract ascertained, as aforesaid, and the residue in six equal payments, to be respectively made at the expiration of six months, one year, eighteen months, two years, two years and an half, and three years, after the delivery of the said plat: the said payments to be made in gold or silver, or securities of the United States; *Provided*, that if such payments, or any part thereof, were made in securities, only the principal sums therein specified, should be applied to such payment, the said Symmes agreeing to take indents for the interest that might be due thereon, prior to the completion of the plat aforesaid, and that the interest which might have accrued upon the same after the date of the completion of the said plat, should be the property of the United States, without any allowance to the said Symmes for the same, and should be paid and allowed to the United States: *And provided also*, that one equal seventh part of the said payments might be made in rights for bounties of lands, by rendering the same *acre for acre*, instead of gold or silver, or public securities. It was further agreed, that the said John Cleves Symmes should, at his expense, within seven years after the delivery of the said plat, subdivide the whole of the same tract into townships and lots; that he should have a right to take immediate possession of a part of the same tract bounded on the river Ohio, including 123,297 acres, (still excepting the lots reserved as aforesaid;) that upon his making the payment of 82,198 dollars, specified to be made within

one month after the delivery of the plat aforesaid, he should receive a conveyance in fee simple from the United States, for 246,594 acres, part of the said tract of land, and that upon every remaining payment being made, he should receive a similar conveyance for a further proportionable part of the said tract.

By a resolution of Congress passed the 12th of August, 1790, the Secretary of the Treasury was authorized to direct the making any surveys that remained to be made so as to comply on the part of the United States, with the several contracts made with the late board of Treasury, for lands in the Western Territory. And, on the 20th of November, 1790, the late Secretary of the Treasury did, accordingly, commit to Mr. Israel Ludlow, the making amongst others, of the survey of the tract contracted for with Mr. Symmes. But owing to a variety of incidents, and disappointments caused by the Indian war, and detailed in Mr. Ludlow's letter to the Secretary of the Treasury, dated the 6th of May, 1792, he had not been able, at that time, to complete the survey. But it appeared that the line intended for the Eastern boundary of the survey, would cross several times the little Miami, and interfere with the tract of land reserved by the state of Virginia; and on the other hand, Mr. Symmes had taken possession of, and in a great degree sold a tract not included within the boundaries of his contract, and extending from the upper limit of the same, to the Ohio, up and along the said river, to the mouth of the little Miami.

By an act of Congress passed the 12th of April, 1792, the President of the United States, was authorized, at the request of John Cleves Symmes, or his agent, to alter the contract abovementioned, for the sale of a tract of land of one million of acres, in such manner, that the said tract might extend from the mouth of the great Miami, to the mouth of the little Miami, and be bounded by the river Ohio on the South, by the great Miami on the west, by the little Miami on the east, and by a parallel of latitude on the north, extending from the



great Miami to the little Miami, so as to comprehend the proposed quantity of one million of acres; provided that the northern limits of the said tract shall not interfere with the boundary line established by the treaty at Fort Harmer, between the United States and the Indians, &c.

On the 11th April, 1792, a petition was presented to Congress, signed "J. C. Symmes, by Jonathan Dayton, his agent, and one of his associates," stating, that from the advanced price of certificates, resulted the impossibility of a strict fulfilment of the contract; and requesting that a title might be made to him for so much of the said land as had been already paid for, and that he might be indulged with terms as favorable as those granted to the Ohio Company.

And, by another act of Congress, passed the 5th of May, 1792, the President of the United States was authorised to grant, in fee-simple, to John Cleves Symmes and his associates: 1st. As much land as the payments already made by them under their contract aforesaid, would pay for, estimating the lands at two-thirds of a dollar per acre: 2d. One other tract of 106,857 acres, provided that the said Symmes, his agents or associates, should pay, within six months, warrants which issued for army bounty rights, sufficient for that purpose, according to the provisions of the resolves of Congress of the 23d of July, and 2d of October, 1787: and 3d. A township of six miles square, in trust, for the use of an Academy.

The care of making the survey, in conformity to the act of Congress of the 12th of April, 1792, was, on the 25th November ensuing, committed by the late Secretary of the Treasury, to Mr. Israel Ludlow, and this last, by a letter dated 10th July, 1793, informed the Secretary, that he had carried into effect, as far as practicable, his instructions, having completed the survey of the tract contained between the two Miami rivers, extending as far northwardly as the head of little Miami, and had found that little more than 500,000

acres were included therein. The plat of the survey itself, as returned to the Treasury Department, and bearing date the 10th of January, 1794, is certified by Mr. Ludlow, to have been made according to the said act of the 12th of April, 1792, and to contain 543,950 acres within the boundaries designated by that law. It does not appear that Mr. Ludlow was instructed by the Treasury Department to deliver the counterpart of that plat to Judge Symmes. But Mr. Ludlow informed the Committee, that soon after the survey had been completed, and before the same was returned in the Treasury Department, that is to say, prior to the 10th of January, 1794, he gave information to said Symmes of the contents of that survey; and that afterwards, in the same year, and he believes before Mr. Symmes came to the city of Philadelphia, in order to obtain his patent, and in order to assent to the alteration of the boundaries of the tract he had originally contracted for, he did give to the said John Cleves Symmes a copy of the plat of the said survey for his own private information.

On the 8th of June, 1793, Mr. Symmes, by a letter to the late Secretary of the Treasury, declared, that he agreed to alter the contract in the manner proposed by the act of Congress of the 12th of April, 1792, and and on the 29th of September, 1794, he formally requested the President, that the said contract should be altered so as to include *only* the tract mentioned in the act of the 12th April, 1792; butted, bounded and described as in the said act was set forth; and at the same time he, for himself, his associates, and their heirs, remised, released and quitted claim unto the United States, all right, title, interest, claim and demand whatever, in and to so much of the lands contained and included within the bounds and limits described in the first contract, as is not contained, *meant and intended to be contained and included*, within the bounds and limits designated by the abovementioned act of Congress, of the 12th April, 1792.

On the 30th of September, 1794, the President of



the United States, by his letters patent, assented to the alteration. And on the same day, in conformity to the act of Congress of the 5th of May, 1792, he also granted to the said Symmes, and his associates, all that tract of land bounded on the south by the river Ohio, on the west by the great Miami, on the east by the little Miami, and on the north by a parallel of latitude to be run from the great Miami to the little Miami, so as to comprehend 311,682 acres, reserving five lots out of each township contained in the said tract; and further declaring, that one complete township of six miles square, to be located nearly in the centre of the tract thus granted, was granted, and should be holden in trust, for the sole purpose of erecting an Academy, and endowing the same; the said parallel of latitude forming the boundary of the tract thus granted, to be run within five years, by the said Symmes, from certain points which shall have been ascertained by Israel Ludlow, on the two Miamis, according to the survey returned to the Treasury Department, on the 24th of March, 1794.

The township conveyed for the purpose of erecting an Academy, &c. must contain 23,040 acres, but has never yet been located and secured for the purposes intended; and part of the township originally designated for that purpose, has been sold by Mr. Symmes to private individuals. The five lots reserved in each section were supposed to amount to five thirty-sixth parts of the whole grant, exclusively of the Academy township.—Deducting 23,040 acres from the 311,682 acres included in the grant, there remain 288,642 acres, five thirty-sixth parts of which (the supposed amount of reserved lots) are equal to 40,089 acres, leaving the amount of land actually granted to Mr. Symmes, and his associates, equal to 248,553 acres. For this land they had paid in public securities, 70,455 dollars and 38-90ths of a dollar, which, at two-thirds of a dollar per acre, paid for 105,683 acres. This quantity, deducted from the 248,553 acres granted, leaves 142,170 acres for which

they were to pay in warrants granted for military bounties, made according to the terms of the original contract, *acre for acre*. They have paid, however, only 95,250 acres in military bounties, for the said 142,870, leaving 47,620 acres yet unpaid for, unless they shall be allowed, according to the settlement of the Treasury Department, to obtain *one acre and an half* of land for *every acre* of military bounties by them paid.

From the time when the boundaries of the tract originally contracted for were altered as abovementioned, that is to say, from the 30th of September, 1794, to the present day, no further payments have been made by Mr. Symmes, for the lands not included in his patent: and he seems to have insisted, notwithstanding the survey returned by Mr Ludlow was executed in pursuance of the act of the 12th day of April, 1792, and although when he did, as abovementioned, relinquish his claim to all the lands not contained within the limits designated by the said act, he knew the contents of that official survey which had been returned several months before; that he had never relinquished his claim to the original quantity of one million of acres; and that he was not bound to make any further payments, until a survey, containing that quantity, had been executed under the authority of the United States.

Congress considering, it seems, his claim as forfeited on account of his failure of payment, did, on the 2d of March 1799, pass a law, giving a right of pre-emption, at the rate of two dollars per acre, to persons who had before the day of April 1797, made contracts in writing with Mr. Symmes for any lands between the two Miamis not included within his patent, provided they should give notice of their intention before the day of September 1799. Very few individuals have availed themselves of that provision; and the petitioners whose petitions have been referred to this Committee and who live chiefly within the limits of Ludlow's survey's have generally represented that they were *bona fide* purchasers; that most of them have paid Mr. Symmes for the land and are on that account unable to purchase a se-

cond time from the United States; that till very lately they had not heard any doubt suggested on the validity of Mr. Symmes's title; that the present increase of the price of land in that part of the country is principally due to themselves who have settled and improved that wilderness and persisted in their settlements during a long and dangerous Indian war; and that, if the United States shall, however, persist in considering Mr. Symmes's claim as forfeited, the time assigned for their notifying their right of pre-emption should be extended and the price of the land reduced to the original rate agreed on between the United States and Mr. Symmes.

The Committee are of opinion that so far as relates to the lands contained in Ludlow's survey and not included in Mr. Symmes patent which, after deducting the lots reserved and excepted amount to 200,000 acres, the said Symmes has never relinquished his claim thereto and that if he has forfeited it, it is owing only to his not having made the payments in due time. To exact the forfeiture would be peculiarly hard on the purchasers and settlers under him, and it seems equitable that in order to enable him to compleat their titles, he should be permitted to make payment within a reasonable time, paying interest from the time when the purchase money should have been paid (that is to say from one, six, twelve, eighteen, twenty-four, thirty, and thirty-six months respectively, on each seventh part of the said purchase money, after the 10th January 1794 the date of the survey) and that upon such payment a patent should be granted to him in trust for himself and the purchasers under him, on condition, however, that the purchasers shall become entitled in their own right to the benefit of the same provision, in case of failure on his part. It will be necessary, at the same time to provide for the securing of the Academy township and for the payment of any balance which on a due investigation of the subject may still appear due for the lands included within his patent.

Respecting the lands lying north of Ludlow's survey, to which Mr. Symmes has relinquished every claim as











R E P O R T

OF THE

COMMITTEE OF CLAIMS,

*To whom was referred, on the 18th February, 1800,*

THE

P E T I T I O N

OF

*T H O M A S   J O H N S O N .*

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16th April, 1800.

Committed to a Committee of the whole House to-  
morrow.

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*[ Published by order of the House of Representatives. ]*

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# REPORT.

COMMISSIONERS OF THE GENERAL LAND OFFICE  
IN ANSWER TO A RESOLUTION OF THE HOUSE OF COMMONS  
PASSED ON THE 17TH MARCH 1851

## REPORT

That the objects of the Commission appointed by the  
Act in relation to the land tax are a continuation  
of the Act of 1845 and two commissions of general commissioners  
to be named in an expedition from Great Britain and  
Ireland in the year 1851.  
It appears by a letter from the Secretary of State  
in relation to the land tax on the same principles with that on  
the claim of major General Bingham through which  
is located, and for which Bingham thought proper  
to make a provision by an Act passed on the 21st day  
of May 1851, entitled "an Act for the payment  
of a debt due to the said General Bingham in the  
sum of 100,000 pounds." The Commission  
of 1845 was made up of Major General Bingham  
and another, and that Act ought to be amended  
so as to provide for the satisfaction of  
the debt in the following manner, viz.  
And that the proper accounts be certified  
to the said Commission, and that the necessary  
arrangements be made for the payment of the  
said debt out of the Consolidated Fund.  
And that the said Commission be empowered  
to make such arrangements as they may think  
proper for the satisfaction of the said debt.

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# R E P O R T.

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*The COMMITTEE OF CLAIMS to whom was referred the  
Petition of Thomas Johnson,*

## REPORT—

**T**HAT the object of this petitioner appears to be, to obtain from the United States a compensation for himself and two companies of mounted volunteers, who served on an expedition from Mero District against the Indians in the year 1794.

It appears by a letter from the Secretary of War, that this claim rests on the same principles with that on which the claim of major Ore, for himself and others, was founded; and for which Congress thought proper to make a provision by an act passed on the eighth day of May 1798, intituled “an act directing the payment of a detachment of militia for services performed in the year 1794, under major James Ore. The Committee are of opinion, that equal justice ought to be administered: they therefore submit for the consideration of the House the following Resolution, viz.

*Resolved,* That the proper accounting officers be, and they are hereby authorized, to settle the accounts of the militia who served on an expedition commanded by major Thomas Johnson against the Creek or Cherokee Indians, in the year one thousand seven hundred and ninety four; and that the same be paid out of any monies in the Treasury not otherwise appropriated.



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# R E P O R T

OF THE

## Committee of Claims,

TO WHOM WAS REFERRED, ON THE 16TH ULTIMO,

THE

P E T I T I O N

OF

### OLIVER POLLOCK.



*18th April, 1800,*

Committed to a Committee of the whole House on  
Monday next.



Printed by order of the House of Representatives of the United States.

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The Committee of Claims, to whom was referred  
the petition of Oliver Pollock,

REPORT—

**T**HAT a former report, made on the 26th of May 1796, on the subject of this petition, contains a statement of the principal and important facts. A copy of it is here introduced, and submitted, as a part of this report, for the consideration of the House.

It was in the words following, viz.

*“ The Committee of Claims, to whom was referred the  
petition of Oliver Pollock,*

*“ REPORT,*

*“ THAT this petitioner requests the sum of 26,006  
“ Dollars and 3 rials, from the United States, for a  
“ sum lost and expended by him, while in their service  
“ as a commercial agent at New Orleans and the Ha-  
“ vannah, during the late war with Great Britain,  
“ including interest and commissions of 5 per cent. The  
“ Committee find that this petitioner performed services,  
“ as commercial agent for the United States and the  
“ commonwealth of Virginia, at New Orleans and the  
“ Havannah; that in the course of the said business,  
“ he rendered the United States essential services, and  
“ from time to time has received large sums of money.  
“ His accounts have, at several times, been partially  
“ settled, and on the 12th day of February 1792, his  
“ accounts were settled by the accounting officers of the  
“ treasury, and every claim now exhibited, excepting*

“ No. 3 in the account below, was then before the pro-  
 “ per accounting officers, which account is as follows,  
 “ to wit,

	Dolls.	Rials.
“ 1. To debts due the petitioner in Havannah, and were attached by order of government to secure debts he owed for and on account of the United States, - - -	9,574	2
“ 2. To his expenses incurred while detained at Havannah on account of the said debts, - - -	3,000	
“ 3. To cash paid Thomas Patterson for detention at New Orleans as a hostage, on account of the above debts,	1,740	
“ 4. To cash paid for powder, delivered for the use of the United States to the sloop West Florida, bought at New Orleans, - - -	450	
“ 5. Commission on the two last charges at 5 per cent. - - -	109	4
“ 6. To commission on 74,087 dollars,	3,704	2
“ 7. To interest on the four first charges,	7,428	3
	26,006	3

“ There has been a variety of sums granted to this  
 “ petitioner by Congress, at different times. By the re-  
 “ solutions of Congress of 6th February and 7th No-  
 “ vember 1781, 22d October 1782, 10th April and  
 “ 1st and 2d of May 1783, 2d August and 28th Sep-  
 “ tember 1785, it will be found, that the petitioner  
 “ has had passed to his credit 105,239 dollars. When  
 “ the present government commenced, there remained due  
 “ him 81,657 dollars, and by an appropriation of the  
 “ 23d of December 1791, he received that sum, toge-

“ ther with 26,948 dollars interest. The petitioner  
 “ could not leave the Havannah, until his debts con-  
 “ tracted for the United States, were paid. By a letter  
 “ from the Governor to Mr. Pollock, this fact is proved;  
 “ he says, he was detained eighteen months; for his  
 “ expenses, during this time, he charges three thousand  
 “ dollars.

“ It is in proof before the Committee, that a Mr.  
 “ Patterson stayed at New Orleans, as a hostage for the  
 “ petitioner, on the same account, viz. because the peti-  
 “ tioner owed money there, and was not suffered to de-  
 “ part without leaving a hostage or paying the money;  
 “ the latter he could not do, and in consequence Mr.  
 “ Patterson stayed for him, for which he recovered by  
 “ arbitrament of the petitioner, 1,740 dollars. This  
 “ sum, with the three thousand dollars, amounting to  
 “ 4,740 dollars, and interest from payment, the Com-  
 “ mittee suppose, ought to be allowed the petitioner.

“ There has been no proof before this Committee,  
 “ which was not before the officers of the Treasury;  
 “ they therefore submit to the House, for their considera-  
 “ tion, the following resolution, viz.

“ Resolved, That the Accounting Officers of the Trea-  
 “ sury, be directed to settle the account of Oliver Pol-  
 “ lock, and allow him the sum of 4,740 dollars with  
 “ the interest from the time of payment, which shall be  
 “ considered in full of all claims of the petitioner upon  
 “ the Treasury of the United States.”

When the preceding report was before the House, in February 1798, a bill was ordered to be brought in, conformable to the resolution therein contained. A bill was accordingly reported, and committed to a committee of the whole House on the 5th of February: on the 13th, the Committee of the whole, disagreed to the bill: on the 14th, the further consideration was postponed till Monday then next; and on

the 20th of that month, after a lengthy discussion, the said bill was rejected by the House.

There is not any new evidence, which the Committee conceive to be important, which was not before the House, and fully understood by them, at the time when the subject was formerly under consideration. The affidavit of Mr. David Beveridge, which is on file with the other papers, is the only new evidence presented to the Committee. They compassionate the misfortunes of Mr. Pollock, but with their present view of the case referred to their consideration, they cannot suppose they should be justifiable in recommending to the House to rescind their former decision, and therefore report, that he should have leave to withdraw his petition.







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LETTER

FROM

MR. HORNBLOWER

TO

MR. KITCHELL,

ON THE SUBJECT OF

SCHUYLER'S COPPER MINE,

IN

NEW-JERSEY.

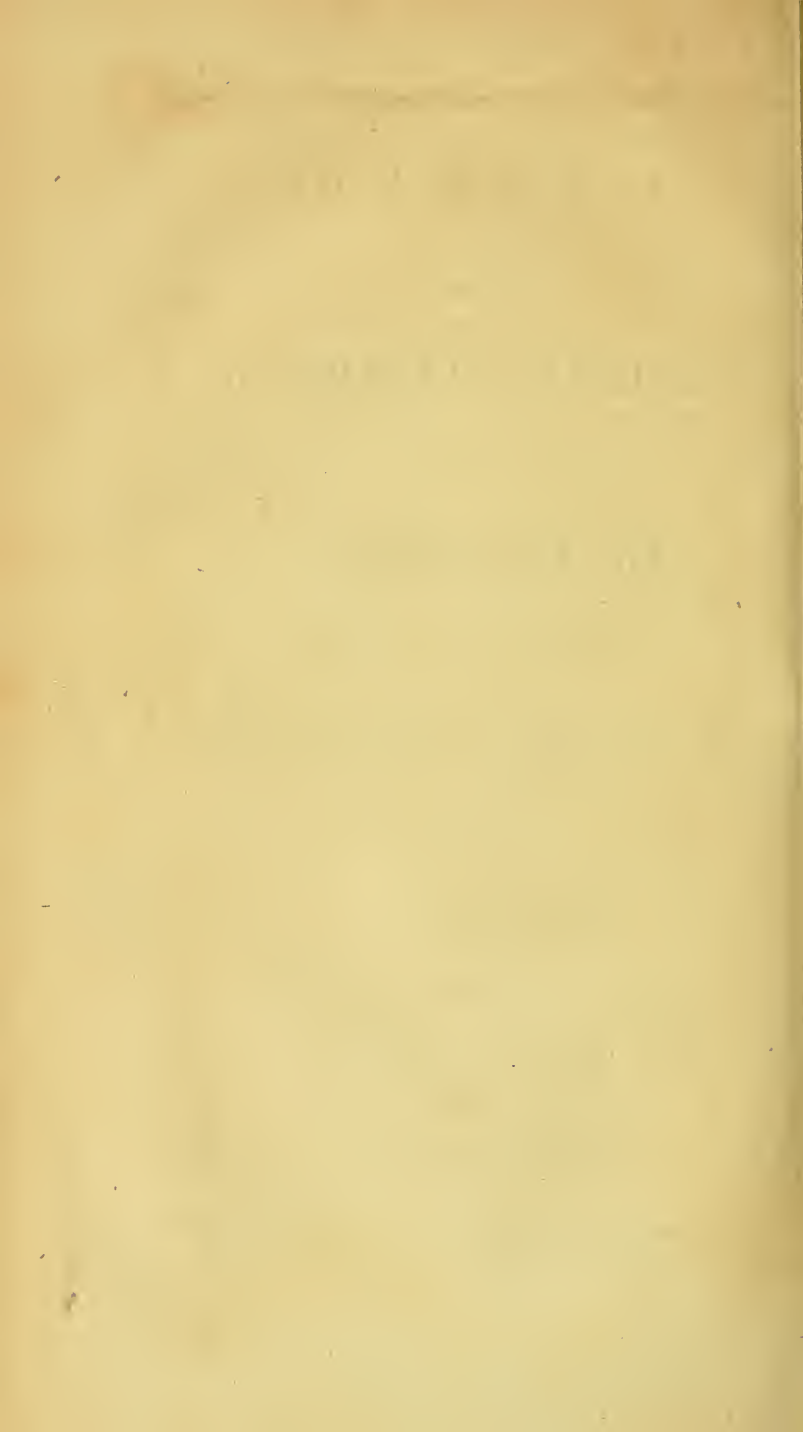


*April 18th, 1800.*



Printed by order of the House of Representatives of the United States.

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BELLEVILLE, *April 16th*, 1800.

SIR,

**I**N answer to yours of the fourteenth instant, permit me to give you the following information and opinions, which is not done without consideration and much diffidence, as the enquiries you make are of great importance and delicate in their nature, as you have justly observed.

The quantity of ore that may be obtained from Schuyler's mine, if conducted under the sanction of government, with a sufficient capital and prosecuted with vigour, will probably be from 100 to 120 tons annually, which ore, when smelted, will produce about 60 per cent. of fine copper. But as this quantity may be very inadequate to the necessities of government, it may be proper to explore such other mines, as those at Bound-brook, Pluckemin, Rocky-hill, Brunswick, Woodbridge, &c. which, if worked with œconomy, will encrease the supplies at a moderate expense, besides the chance of making new discoveries which is considerable. As to the smelting, refining and manufacturing of the copper, in such manner as may be most useful to government, I have no doubt it may be done with success in this country, at a cheaper rate than it can be imported, especially considering the present scarcity of copper in Europe, provided proper workmen and artists are employed. It is, Sir, well known from repeated trials and long experience, that by mixing various qualities of ore together, from different mines, they will produce in the aggregate, a much larger proportion of fine copper than they would do if smelted separately. These observations, Sir, are all that occur to me at present, I shall be happy, however, to furnish you with any



other information in my power, that may be necessary or useful.

In the mean time, Sir, I assure you I consider it at least an object, deserving the attention of Congress, to encourage the exploring and working of mines, by which we may probably obtain, from the bosom of our own country, those supplies of copper which we cannot at present procure from Europe, owing to the increased demand for it there, and the prohibition of the exportation of that article from Great Britain, in consequence of the failure of one of the principle mines in that country, which information I have from Mr. Dayton, to whom I have written on the subject of this letter, at his request.

I am, Sir, with due respect,

Your humble servant,

JOSIAH HORNBLOWER.

HON. AARON KITCHELL.

P. S. It is perhaps, worthy of notice, that in several places, in the neighbourhood of Schuyler's mine, there has been found small quantities of copper ore, and such appearances as to induce a more particular examination, than has hitherto been made.

J. H.

A M E R I C A N

Copper-Mines.


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Second main paragraph of text, continuing the faint, illegible script.

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Fourth main paragraph of text, containing several lines of faint, illegible script.

Fifth main paragraph of text, containing several lines of faint, illegible script.

  
*To the Chairman of the Committee of Commerce and  
Manufactures, to whom has been referred the  
petition of N. I. Roosevelt and his associates, pray-  
ing for an act of incorporation of a Mine and  
Metal Company.*

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S I R,

BEING appointed by the petitioners for an act of incorporation of a Mine and Metal Company, their agent in Philadelphia, and having been permitted to give to your committee, by oral evidence, all the information upon the Schuyler's copper mine which I possess, I take the liberty to submit the same to you again in the present sheet, in order that the great variety of facts, relating to the subject, may be before you in a more concise and intelligible form, than it could be put into, when I had the honor of attending the committee.

I have anxiously avoided to put down any thing respecting the history of the mine, for which satisfactory evidence from the books of the proprietors was not produced to me on the spot. The state of the works, and of the mine I have myself carefully inspected, and have often enquired, and conversed with the workmen on the quality and quantity of the ore likely to be expected in future, from their experience of what they have formerly procured.

When I made the enquiries upon which my evidence is founded, it was neither with a view, nor with the most distant expectation of being called upon for the purpose of giving information on the subject to so honorable a body: otherwise I should have gone more fully into the detail of examination. My object, as engineer to the city of Philadelphia, was to obtain an accurate knowledge of the value of the works which were offered as a security to the Cor-

poration, for the performance of a contract by N. I. Roosevelt to construct two steam engines for the supply of the city with water, on account of which a very large advance was to be made. I had therefore every reason to be particular in my enquiries, as far as they necessarily went; and I carried them, from an habitual love of natural history, further than was necessary, so as to enable myself to be positive on all I have asserted on the subject: and I should feel myself very ill deserving of your confidence, and forfeit my own respect, were I to suffer the zeal of an agent, to carry me, either in respect of facts or their coloring, beyond what I believe to be true.

I am, with true respect,

Your faithful, &c.

B. HENRY LATROBE.

**T**HE Schuyler-Copper Mine, situated between the rivers Passaic and Hackensack, near their confluence, in the state of New Jersey, was discovered about the year 1719 by Arant Schuyler, grandfather to the gentleman of that name now living. The ore was found where it appeared on the side of the hill, was easily raised, and as the policy of England—at that time,—prohibited the establishment of smelting works or manufactories in her colonies, it was packed in casks each containing about four *Cwt.* and exported, in its state of ore, to England. It appears by his books, that before the year 1731, Arant Schuyler had shipped 6,933 casks, making about 1,386 ton of raw ore, to the Bristol copper and brass company. His son, Colonel John Schuyler, prosecuted the work with more numerous and skilful hands. The quantity of ore raised by him, is not known, as his books were lost during the war. In 1761, the mine was leased to a company who procured the assistance of Mr. Hornblower, the uncle of the present eminent steam engineer, from England. They erected a steam-engine, of the imperfect construction then in use. The engine-house, composed of combustible materials, was soon afterwards burned down. It was however rebuilt, and the mine was worked for four years with great



advantage and profit. In 1765, a workman, who had been dismissed, set fire to the engine-house,—it was again destroyed, and the works were discontinued by the company. Several gentlemen in England however, whose connection with the company had taught them the superior quality of the ore of Schuyler's mine, applied successfully to the crown for permission to establish works in America for smelting and refining copper; and an offer was made to Mr. Schuyler to purchase the whole estate containing the mine, for the sum of one hundred thousand pounds sterling. This offer he refused, but agreed to join them in rebuilding the engine and working the mine. The disputes, which about that time arose between England and America, and the consequent revolutionary war, put an end to the projected works, and the deranged state of the country, previous to the adoption of the Federal constitution in 1788, and other subsequent circumstances, occasioned the total neglect of this in every respect important mine, till the year 1793, when a company was formed who undertook the work with new vigor. They collected, at a very considerable expence, miners and smelters from England and Germany, purchased a freehold estate convenient for the erection of furnaces and manufactories, with an excellent stream of water, re-erected the engine, and they began and partly completed the works enumerated hereafter. At the instance of an active member of this company,\*—who to great metallurgic knowledge and experience, and to much personal address, joined a spirit perhaps much too unbounded in its projects, and far out-stripping the means and wants of our present population,—an application was made to Congress in 1796 for an exclusive right to search for, and work all mines within the North-west and South-west territories belonging to the United States, for thirty years. This monopoly was to descend from mines of gold and diamonds, down to clay-pits and slate-quarries. The application was not, and perhaps ought not to have been successful.—Soon afterwards, one of the proprietors of the mine who was a principal shareholder in the company died, and the whole interest of the Company has since been purchased by N. I. Roosevelt.—This is the concise history of this mine to the present time. No other has as yet been wrought to effect in North America.

\* Mr. Langworthy.

Of the prospect of success and profit in the prosecution of this mine, little ought to be said *on speculation*. Facts only, which may easily be examined and verified, should be brought forward. It may perhaps be proper to state a few of these.

I. The ore of the Schuyler's mine yields, in each hundred pound of copper, from four to seven ounces of silver, and like most copper ores, a small portion of gold. At the time when pure copper was sold in England at seventy-five pounds sterling per ton, the ore of Schuyler's mine was shipped for England at New York at seventy pound sterling per ton. This proves the uncommon richness of the ore, and the small expence of converting it into metal. An offer has lately been made by Messrs. Bolton and Watt to purchase all the ore which can be raised, and to enter into contract for that purpose.

II. The company established in 1793 have raised no ore from new ground. Their works have only been preparatory. They cleared old levels, sunk new shafts, and provided for the complete drainage of the mine for twenty years to come, should more than one hundred hands be employed in it during that term. In removing the deads, or rubbish, which choaked the drifts and levels, they have however selected, without scrupulous examination, a quantity of inferior ore; which yields an average of fifteen pound of copper at least, in one hundred pound of ore. This ore, part of the stock on hand, at so low a calculation, will yield fifty tons of copper, worth now when manufactured 1,000 dollars per ton, at least, or 50,000. It is asserted, from good authority, that all the deads will yield more copper per cent, than many mines now profitably wrought in Germany.

III. The Engine, before the very important improvements which it has lately received in its construction, and consequently in its powers, drained dry when set to work in 1793, in four days, *all the works*, from the water which had accumulated since the last working, many years before. This proves the sufficiency of the Engine, and that the objection that the mine cannot easily be drained is quite unfounded. As to the expence of keeping the engine, it will be not more than 4,500 dollars per annum.

IV. It has been said often, and confidently, that the first adventurers in Schuyler's mine made their fortunes, because the ore was then *richer* and more easily procured than at present. The fact is however otherwise. The ore never was more rich than lately, yielding at an average 75 per cent, and it will be more easily and cheaply procured in future,—in consequence of the preparatory works hereafter to be enumerated and the better method of working to be adopted,—than ever since the year 1750, when the ore retired to considerable depth and distance from the side of the hill: And yet since that time 444,000 dollars (100,000 pounds sterling) have been offered for the mine by intelligent Englishmen, when it was in its worst state of working,—without an engine, and without a draining shaft lower than the levels.

It is true that the last company, far from deriving benefit, have expended large fortunes in their works at the mine. But they expected no profit from what they have hitherto done, they have not even smelted any considerable quantity of the ore selected from the deads.—The death of one of this small company, the return of the most busy to England, and principally the very low price of copper in the European and consequently in the American market, deranged and delayed their operations.—At that time, the Anglesea mine depreciated, by its most extraordinary fertility, every other European mine; its proprietors were emboldened to attempt the annihilation of rivalship, by under selling every competitor; to purchase the forsaken works; and thus to monopolize the copper trade of the civilized world. But the treasure disappeared almost as suddenly as it had been discovered, and the government of Great Britain has not only been driven to prohibit the exportation of copper, but application has been made to contract for all the ore which the Schuyler's mine can produce. The reward of the labors and sacrifices of the present proprietors, is therefore still to come, and, should an act of incorporation be obtained, will be divided, in proportion to their assistance, among those who shall constitute the company.

Nicholas I. Roosevelt is the present proprietor of the lease of Schuyler's Copper mine, for 38 years to come,

and of all the works, shafts, engines, buildings and utensils belonging to it,—and also of the fee simple of a certain tract of land, with the furnaces, smelting, stamping, and boring works, coal houses, and hammers, erected by the late company or by himself for the purpose of preparing, refining and manufacturing the copper. This tract is called Soho, and is situate on second river, near Newark in the state of New-Jersey, at a convenient distance from the copper mine. He, and the late company have expended very large sums of money in sinking a shaft calculated to drain all the present shafts and levels, and such as may in future be sunk upon the tract containing the mine, and to win all the ore which may be found below the utmost depth of the present shafts and levels, to a depth of 40 feet lower. A level is also driven 100 feet below the surface at the engine house, which will drain the works into Hackinsack-marsh and render the lift of the engine 100 feet less, thereby encreasing its power in proportion.—He has also repaired and improved the steam engine erected at the shaft, so as to render it fully adequate to the draining of the mine, and the raising of all the ore.—He has put the works at Soho into a state of perfection, unrivalled in the United States, and capable of smelting and refining the ore to the greatest possible advantage and profit.—It is evident from inspection of the shafts, works, and levels, which from the earliest times have been worked at the mine—that in no instance there is reason to believe that the veins which have hitherto proved so rich and fertile are likely to fail either in the quality or quantity of their ore, and that but a very small part in proportion of the mine has been explored, as chance, and the imperfect method of working the same hitherto, have directed.—The expence laid out by the late company and the present proprietor in the said shafts, level and works has not been calculated or intended for the raising of ore in the first instance,—but only to render the mine capable of yielding, whenever the vein shall again be put into work, without the necessity of any collateral expence for drainage, the greatest possible quantity of ore; so that the mine is at present in the most advantageous state in which the working can possibly be recommenced.

B. H. LATROBE.





R E P O R T

OF THE

*Committee of Claims,*

*To whom were referred, the*

P E T I T I O N S

OF

*Benjamin Bird; Emory Sudler, junr. and Wife; Alexander Roxburgh; Griffith Jones; David Jones; and Thomas Leiper; Philip Bush,*

AND THE

**Bill**

From the Senate, intituled "An act for the relief of the legal representatives of

*SAMUEL LAPSLEY, deceased.*

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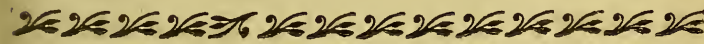
22d April, 1800.

Committed to a Committee of the whole House, on Thursday next.

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[*Published by order of the House of Representatives.*]

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# R E P O R T.

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*The COMMITTEE of CLAIMS, to whom were referred the petition of Benjamin Bird; A bill from the Senate intituled "An act for the relief of the legal representatives of Samuel Lapsley deceased," which is accompanied by a memorial from Margaret Lapsley whereon the said bill was founded; a petition from Emory Sudler junior and Elizabeth his wife, executrix of the last will and Testament of William Wright deceased; the petition of Alexander Roxburgh; the petition of Griffith Jones; the petition of David Jones; the petition of Philip Bush and the petition of Thomas Leiper,*

## REPORT,—

**T**HAT the objects of these several applicants appear to be to obtain compensation for sundry loan-office and final settlement certificates, as described in their several petitions, which they alledge have been either accidentally lost or destroyed.

Applications of this nature were frequently made to Congress previous to the adoption of the present government. By the act of Congress of the tenth of May, one thousand seven hundred and eighty, provision was made, "that loan office certificates destroyed through accident be renewed at the offices where they first issued, and delivered to the persons who should appear to have been the holders of them at the time they were destroyed," on the conditions specified in the said act:—on the tenth of July of the same year the last mentioned act was extended to loan-office certificates which had been

or should be thrown overboard of any vessel to avoid capture by the enemy.

After the adoption of the present government many applications were made for a further extension of the provisions in cases of this nature. On the twenty first of April one thousand seven hundred and ninety four, an act was passed "limiting the time for presenting claims for destroyed certificates of certain descriptions," by this act other regulations were made for establishing claims of this nature, and it was thereby *Provided*, that all claims for the renewal of loan-office certificates or final settlements which might have been accidentally destroyed, should be presented at the Treasury, on or before the 1st day of June, 1795, or be forever barred and precluded from settlement, or allowance. After the passing of the last mentioned act, a number of petitions, among which were some of those on which the present report is founded, were presented, praying for a further extension of the principles upon which such certificates might be renewed.

The subject was referred generally to the consideration of a Committee, who on the 15th of January 1795, made their report, which was considered by the House on the 22d day of that month, when it was resolved that any alteration in the abovementioned act would be improper.

This subject was afterwards at the second session of the fourth Congress, again brought under consideration and a proposed resolution that "provision ought to be made by law under specific restrictions for the renewal of destroyed certificates of certain descriptions" was referred to a select Committee, who on the 6th of February 1797, made a report, the conclusion whereof was in the following words *to wit*:

"That most of the cases where certificates of the public debt are said to have been destroyed, took place long before the passing of the said act of the 21st of April, 1794; and probably a great proportion of them before the passing of the said resolution of the 10th of May 1790; from which circumstance, as well as from

the nature of the subject, it would be extremely difficult if not impossible, at this time to guard against fraud and imposition, should further provision be made for renewing them; and the Committee cannot find stronger reasons in favour of keeping in force the statutes of limitations, in relation to any class of claims, than to that contemplated in the resolution referred to them; they are therefore of opinion, that the House ought not to agree to the same"—

That report was considered and after a full discussion agreed to by the House. All claims for renewal of certificates now are, and during the term of nearly six years past have been, barred. Since the last mentioned decision was made, as well as before that time, a large number of petitions have been separately presented to the House praying for the renewal or payment of many certificates said to have been lost or destroyed, but in no instance, hitherto, do the Committee find, that there has been a deviation from the established rule; on the contrary, the House have hitherto determined, that it was not expedient to suspend the acts of limitation for the admission of any one of this kind of claims, and the applications have been uniformly rejected.

If relief should be afforded in one case, the Committee are of opinion that it should extend to all those which rest on similar grounds. Legislating on particular or individual cases should be avoided as much as may: be a deviation in favour of any one applicant singly would form an inconvenient precedent, and such a one as it would be difficult to resist.

By the act of Congress of the third of March 1795, all certificates commonly called loan-office certificates, final settlements, and indents of interest, outstanding at the time of passing the said act, which should not be presented at the office of the Auditor of the Treasury on or before the first day of January one thousand seven hundred and ninety-seven, were declared to be forever after barred or precluded from settlement or allowance.

This provision was afterwards suspended for the term of one year from the 12th day of June 1798, all claims



of this nature are now barr'd; and, at the present session of Congress, the House have deliberately resolved that it is not expedient further to extend the time for receiving said certificates even where the original certificates have been presented; so that the law on this subject now seems to be fully settled.

Should provision now be made for payment of lost certificates, it would seem very extraordinary, that it should not extend to those which are in being, and can be in fact presented at the treasury and there cancelled.

If those which are said to have been lost or destroyed shall constitute admissible claims against the public, there will be strong inducements hereafter to obtain evidence that those which are now in being have been also either destroyed or lost.

The several applications which are the subjects of this report, rest on similar grounds, and no better, than divers others which have been heretofore before the House, referred, reported upon, considered and rejected.

Among many others, those of Joseph Brevard, Augustine Biddle, Henry Bower, Samuel B. Beale, Demsey Burges, Thomas Donnellon, Barnt De Klyn, Mary Fowke, Elisha Gardner, John Higby, Jacob Hollingsworth, Mary S. Jones, Archibald Johnson, Elizabeth Marx, Francis Nash, James Powell, Elizabeth Stewart, David Scott, Peter Witner, and John Ward, were severally for the renewal or payment of certificates said to have been lost or destroyed. On most of these petitions, if not upon all, explicit decisions have been made by the House.

If provision be made for relief in any cases of this nature, the Committee are of opinion, it should be by a law establishing a forum competent to examine and settle all claims resting on the same principles, and that no provision should be made in favor of one individual to the exclusion of others.

They therefore respectfully submit as their opinion that the several petitions of Benjamin Bird, Emory Sudler, junr. and Wife, Alexander Roburgh, Griffith







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REPORT  
OF THE  
COMMITTEE

APPOINTED TO ENQUIRE INTO THE  
OPERATION

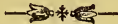
OF THE

Acts making provision for the establishment of trading  
houses with the Indian tribes,

AND INTO THE

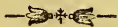
EXPEDIENCY

*Of revising and continuing the said acts in force.*



22d April, 1800.

Ordered to lie on the Table.



Printed by order of the House of Representatives of the United States.

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# REPORT, &c.



The Committee, appointed to “ enquire into the operation of the acts making provision for the establishment of trading houses with the Indian tribes, and into the expediency of reviving and continuing the said acts in force,”—

## REPORT,

**T**HAT the authority to maintain trading houses with the Indians, expired with the last session of Congress; that to judge of the propriety of extending this trade, the Committee have asked for information from the Secretaries of War and of the Treasury, and have received the communications herewith reported:—

That under these acts, two trading houses have been established, one on the frontiers of Georgia, the other on the frontiers of Tennessee: that they have no information of the usefulness of these establishments, but what is contained in a letter from the Secretary of War, accompanying this report;—That from the irregularity of the factors in accounting (for it seems that so much of the law, which required that the agent employed at each trading port, shall make up his accounts half yearly, and transmit them to the Secretary of the Treasury, has not been attended to) the Committee find it impossible to determine with certainty, how far the scheme is practicable, without a diminution of capital, and what the ratio of diminution will be; but that the paper marked F, and herewith reported, being a summary statement



of the Indian trade, from the establishment, to the ninth of January one thousand eight hundred, will shew the amount of money advanced, and the remittances received; and also, the probability that the capital in trade will be greatly diminished, if not entirely sunk in a very short time.

The Committee, however, deem it expedient, that power should be given to employ the capital already embarked, for a limited time; but that it should not be enlarged by further drafts from the Treasury, until the establishment is better understood in its several relations; and therefore recommend to the House the following resolution:

Resolved, That the act, entitled "An act for establishing trading houses with the Indian tribes," ought to be revived and continued in force for one year, and from thence to the end of the next session of Congress, so as to authorize the further employment of the capital heretofore employed under the direction of that act.

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WAR DEPARTMENT,  
*March 22d, 1800.*

SIR,

I HAVE received your letter dated the 10th instant, as Chairman, and written at the instance of the committee appointed "to enquire into the operation of the acts, making provision for the establishment of trading houses with the Indian tribes, and into the expediency of reviving and continuing in force the said acts," making of me the following enquiries, to which I subjoin replies in the order they were presented.

1. Enquiry. "How many trading houses have been established under the said acts. Where are they situated, and what the capital allotted to each?"

Answer. The two acts in contemplation were passed March the 3d 1795 and April the 18th 1796.

In pursuance of the first of these acts, two trading houses were established by my predecessor, to wit, one at Coleraine on the river St. Mary's, Georgia, intended to supply the Creeks; the other at Tellico-block-house, Tennessee, intended principally to supply the Cherokees, within whose nation it is situated. The factory for the supply of the Creeks, was however afterwards transferred to Fort Wilkinson, on the Oconee.

The capital employed in the factory or trading house at Coleraine, agreeably to an account furnished me (schedule A.) by the store-keeper of public supplies at Philadelphia, consisting of goods charged according to their invoices, amount to fifty-seven thousand one hundred and thirty-six dollars seventy-three cents.

The capital employed in the factory or trading house at Tellico-block-house, by an account furnished (schedule B.) and consisting of goods as aforesaid, amounts

to thirty-two thousand nine hundred and seventy-nine dollars seventeen cents and two-thirds. See also, letter A. which accompanied these documents.

These goods were purchased by monies drawn from the Treasury of the United States at the following periods, viz.

			<i>Dollars.</i>
1795,	December 28.	Tench Francis,	2,000
	31.	ditto, -	4,000
1796,	January 5.	ditto, - -	4,000
	12.	ditto, - -	4,000
	February 16.	ditto, - -	3,000
	29.	ditto, - -	2,000
	March 21.	ditto, - -	2,000
	23.	ditto, - -	4,000
	29.	ditto, - -	4,000
	April 6.	ditto, - -	4,000
	14.	ditto, - -	4,000
	25.	ditto, - -	10,000
	May 5.	ditto, - -	3,000
	November 17.	ditto, - -	10,000
1797,	May 3.	ditto, - -	20,000
	November 20.	Samuel Meredith,	10,000
			<hr/>
			<i>Dollars,</i> 90,000
			<hr/>

2. Enquiry. "What has been the expense of the buildings at the different trading posts. The names of all the persons who have been or are now employed as agents or store-keepers, and the salary allowed to each?"

Answer. By an estimate rendered to Mr. Harris, public store-keeper, at Philadelphia, by Mr. James Byers, the factor first appointed to the trading house at Tellico, the buildings and house utensils cost two thousand and five dollars and twenty cents.

There are no documents in the possession of the Secretary, or Mr. Harris the store-keeper, to shew the cost of the buildings at Coleraine, or those since erected at Fort Wilkinfon, on the Oconee, the present scite of the Creek trading house.

The names of the persons who have been and are employed at the Creek factory, are, viz.

Edward Price, factor, salary one thousand dollars per annum, and lodged and dieted at the expense of the factory. Appointed the 26th of November, 1795.

Eleazar Bullard, assistant, salary not known, and lodged and dieted.

Matthew Hopkins, assistant, vice E. Bullard resigned, salary three hundred dollars and lodged and dieted.

Edward Wright, factor, vice Price deceased, salary one thousand dollars, and lodged and dieted. Appointed the 27th March, 1799.

William Elliott, vice Hopkins resigned, salary five hundred dollars, and lodged and dieted.

This gentleman has lately resigned; no new appointment has yet been made—it being difficult to find qualified persons to accept without a considerable increase of the salary.

There is an agent employed at Savannah to receive and forward goods for the factory, and to receive the remittances from the factory when made in peltries, and to pack and ship them to their ultimate destination. The first agent employed for these purposes, was Mr. William Wallace. This gentleman declined and has been succeeded by Mr. Joseph Clay, merchant.

This agent receives five per cent. on disbursements, and a small compensation for receiving and delivering the goods.

The expense of an interpreter or interpreters to this factory, cannot at present be ascertained.



The names of the persons who have been and are employed at the Cherokee factory at Tellico, are, viz

James Byers, factor, salary one thousand dollars and lodged and dieted at the expense of the factory. Appointed the 26th November 1795.

William L. Lovely and Nicholas Byers, assistants and James Carey, interpreter, salaries not known, and lodged and dieted.

John Worthington Hooker, vice James Byers resigned, salary, &c. the same as James Byers.

Whether any change has been made in the assistants and interpreters is not known.

Mr. David Henley, agent for the Department of War at Knoxville, is employed as agent at Knoxville for the factory. It is not known whether he is allowed, by the factor, any commission or compensation for his trouble in procuring necessary transportation, and making purchases of certain articles of country manufacture for the factory.

3. Enquiry. "Where are the goods purchased upon what terms, and under whose immediate direction are they selected: what the means and what the expense of transportation?"

Answer. The goods for both factories have heretofore been purchased principally at Philadelphia, with the exception however of a certain quantity of goods suitable for the factories, received from William Murdock, London, being the returns for peltry shipped at Philadelphia to the agency of William Murdock, and of certain articles purchased to answer unexpected and pressing calls upon the factories at Knoxville and Savannah.

Another shipment has recently been made of peltries to the same Merchant, in London, per Savannah in Georgia, by the agent there, Mr. Clay, on account of the Creek factory, for which returns are to be made in suitable goods, per order transmitted.



The goods procured in Philadelphia have been purchased and selected by the purveyor of public supplies, as well those obtained with the monies originally drawn from the Treasury, as those with the monies arising from the sales of peltry and skins transmitted from the factories. The terms are understood generally to have been so much advance on the sterling cost of the articles, except those bought at vendue and in detail to make up an assortment at different stores. It is believed the purveyor made no disadvantageous purchases.

The transportation to the Creek factory is by water, from the seat of government to Savannah, from thence partly by water and partly by land to the factory. The expense of transportation or freight to Savannah is from fifteen to twenty cents per cubic foot—the expense from Savannah to the factory at Fort Wilkinfon, and from the factory to Savannah, will average about two dollars per hundred pound weight.

The transportation to and from the Cherokee factory is altogether by land, in waggons. The expense generally twelve dollars per hundred pound weight from Philadelphia to the factory, and eight dollars from the factory to Philadelphia.

4. Enquiry. “What has been the amount of sales at each trading post. What the amount of receipts. And what the value of the goods on hand from the last returns?”

Answer. It does not appear that the agents or factors have transmitted their accounts half yearly to the Treasury Department, nor that the store-keeper, Mr. Harris, who has been charged with the keeping the accounts of the factories, has received from either of them such exhibits as to enable him to determine what the amount of sales and receipts have been, at given periods of the business; it is not therefore practicable to give to the Committee as particular an answer to this question as it may seem to require. The

statements furnished by Mr. Harris are annexed, Schedule A. & B. and with a view of obtaining the earliest and best practicable information on the subject, I have written the letters, of which Schedule C. exhibit copies, to the factors. Should answers arrive before the adjournment of Congress, I shall have the honor to inform the Committee of their contents accordingly. In the meanwhile it would be gratifying were the Committee to inspect the accounts now transmitted, and the documents upon which they are founded.

5. Enquiry. "Are the agents or store-keepers instructed to vend the goods to Indians alone, and are they restricted as to the articles to be received in exchange?"

Answer. The answer to this enquiry will be found in the several instructions which have issued from the Department of War, to the factors or agents in Schedules D. & E. subjoined.

6. Enquiry. "In what way has the skins, peltry or other articles received, been disposed of; what the amount of the proceeds, and under whose immediate superintendance have the sales been made?"

Answer. The manner in which the business of procuring articles for the factories has been conducted at the seat of government, and by importations of goods to the amount of the peltries shipped to London, has been already mentioned. That for disposing of the articles received from the factories, and paying for their transportation, is as follows, viz.

The agent or factor to the Creek or Cherokee trading house, as the case may be, transmits a letter of advice, with an invoice of the peltry or skins which he sends to Philadelphia, to the public store-keeper, Mr. John Harris, and a copy of the same to the Secretary of War.

On the arrival of these articles at Philadelphia, they are placed by Mr. Harris in the hands of Mr.

Andrew Tybout, a respectable merchant, conversant in peltries, for sale.

As soon as Mr. Tybout has disposed of them, or any part of them, and received the monies resulting from the sales, he notifies the store-keeper that he is ready to pay the same to him.

Mr. Harris, in turn, notifies, by letter, the Secretary, that he has received from Mr. Tybout certain monies on account of the Creek or Cherokee factory, which he holds ready to be lodged with the Treasurer of the United States.

Immediately upon receiving this information, a warrant is made out in the form annexed, schedule F, agreeably to which, the money is deposited with the Treasurer, who credits in his books (by arrangement) the amount of the warrant to the appropriate factory.

The monies accruing from all remittances or sales, at the seat of government, are thus deposited and held subject to be drawn out of the Treasurer's hand, by warrant of the Secretary only, which warrant must express the object to which the money drawn out is to be applied.

These objects are, 1. To purchase goods for the factories, which purchases, as has been noticed, have heretofore been made chiefly by the Purveyor of public supplies. 2. To pay draughts drawn by the factors respectively, either for their salaries or to pay for goods procured in the vicinity of their factories, and their transportation. 3. To pay clerk-hire and agencies at the seat of government, &c. and transportation.

For the better elucidation of this process, copies of all the warrants, either to place the results of sales in the hands of the Treasurer, or draw monies from him for the objects of the factories, with the Secretary's letter to the Treasurer, relative to the arrangement for receiving and drawing out the said monies, are annexed—Schedule F. F.

7. Enquiry. "What are the number of licenced traders with the several Indian tribes, and the names of all such, and also by whom was each trader recommended?"

Answer. The annexed documents G and H, contain all the information the Secretary has received relative to this enquiry. The Secretary has to add, that he has granted no licences himself to persons to trade with the Indians, with the exception of the one annexed—Schedule I. nor recommended to the agents any persons to receive licences. If there are found in the Indian nations, citizens of the United States trading without licences, it is the duty of the Superintendants of Indian affairs, residing within the Indian nations, to have the law executed in such cases, according to its provisions. And when it appears, from the conduct of traders to whom licences have been granted, that they make an improper use of the same, or under cover thereof, carry on practices foreign from the permission granted them, and contrary to the peace and interests of the United States, it is also their duty to make an immediate representation of the facts, to the end that the party may be removed and punished according to the nature of the offence or misconduct.

It may perhaps be proper to observe, relative to one of the persons licenced by the Agent of War and found on his list, document H. that from obvious reasons, believing him an improper person to have a licence, the agent was the day after the receipt of the list ordered to withdraw the same, and take measures to recall him from the Indian territory.

The Secretary takes the present occasion to offer a few remarks to the committee, connected with the subject of the present enquiries and relative to the Indians generally.

His experience, since he came into the administration, has fully satisfied him, not only of the practica-



bility of preserving peace with the Indians, but of introducing, especially among those to the southward of the Ohio, a certain portion of agricultural knowledge, and of those mechanic arts most essential to furnish to the first wants of a new people.

He considers the state of peace, which has been enjoyed for several years past on the frontiers, and the present disposition of the Indians, generally to continue in friendship with the United States, as essentially resulting from and dependent upon the measures which have been adopted by government relative to these nations.

Among these measures, must be reckoned the employing exclusively regular troops for the protection of the frontiers, instead of the militia of the frontiers. The Indians entertain no jealousy of the regular troops, they look upon them as the guarantee of their treaties with the United States, while, at the same time, they are secretly viewed as the visible arm of government, always ready to chastise them if proper and just so to do.

Another measure is the establishment of agents or superintendants of Indian affairs, who *reside within their nations*. These agents produce the most beneficial results to the United States in various ways, by being useful to the Indians in their intercourse and misunderstandings with each other, by being privy to their schemes, by being a check upon their bad young men; by the wise regulations which they induce the nations to adopt and see executed; by the exact knowledge which they obtain of the views and conduct of all inmates, itinerants, or persons affecting temporary residence for particular purposes, and by identifying themselves as it were, with every thing which concerns the prosperity of individuals or the nation.

The Secretary considers this establishment, which requires to be still further extended, as specially cal-



culated to continue and produce, in conjunction with the others, the most extensive and beneficial results.

The next in order of importance is the trading houses. Foreseeing the suspicions that might possibly attach to this establishment, and considering the expectation which the law is calculated to excite relative to the factories preserving undiminished their capital, the Secretary has restrained himself from adding any trading houses to those which he found erected on his coming into office, although strongly solicited thereto by repeated instances from respectable characters, and different quarters of the Union, and by the most pressing requests from several Indian nations. He particularly thought himself enjoined to postpone an extension of trading houses for the Indians, until their advantages could be ascertained by decisive experiment. All the information relative to this experiment, so far as made, and within the power of the Secretary, is now submitted to the Committee.

With respect to the utility of the establishment, as a governmental agent the Secretary observes, that he has found it to be a powerful and active instrument, in conciliating and preserving Indian attachments, and considers the tranquillity and other advantages it is calculated to produce and continue, and which have been actually derived from it, as applicable particularly to the southern Indians, and southern part of the Union, sufficient to give it a pointed claim to attention, and of infinitely more importance to the United States than the whole of the capital employed in the factories.

We ought also to recollect that were the Indians to become indebted for goods furnished them by the trading houses, equal to the amount of their respective capitals, the United States must sooner or later be reimbursed therefor by a cession of land equivalent to the debt. But it is proper to remark here, that the debts of individual Indians to the trading houses, may

be extinguished by a very easy process. The Creeks have been informed by Mr. Hawkins, at a late national meeting, of the debts owing to the trading house, and that an advanced price would be laid upon the goods to be sold in future, and continued till the debt was thus extinguished. They were also informed, no further credits were to be expected or given, the trading house having positive instructions to that effect.

The Committee will determine, under all circumstances of the case, the propriety of continuing, or expediency of discontinuing this establishment. I find it my duty to observe generally upon this subject—That without regular troops the frontiers will be exposed to the perpetual action and re-action of predatory incursions, thefts and reprisals,—That without superintendants and agents within the Indian nations, the United States can never be one moment secure, from the practices of spies and intriguers upon the Indians; and that without trading houses their tranquillity must, at all times, lay at the mercy of licenced or unlicenced traders, consequently that these provisions all conspire to the same end, and that none of them, in the present state of things, and present state of the Indian nations, can be safely dispensed with.

I have the honor to be,

SIR,

Your most obedt. and hble. servant;

JAMES M'HENRY.

The honorable

WILLIAM C. C. CLAIBORNE,

*Chairman of the Committee appointed to enquire into the operation of the acts making provision for the establishment of trading houses, &c. &c.*

WAR DEPARTMENT,  
*March 25, 1800.*

SIR,

**T**HE list of licensed traders, schedule H, referred to as accompanying my letter in reply to the enquiries of the Committee, being mislaid, I have directed the Agent of War, in Tennessee, Mr David Henley, by letter, dated the 21st instant, to furnish me with a duplicate thereof, which, when received, shall be immediately communicated, or the original list, if it shall be found.

Having understood that incorrect ideas have been entertained relative to the recommendation of John D. Chisholm, who has been licenced by the Agent of War, and whose licence has been directed to be withdrawn; I think it proper to enclose to the Committee copies of two letters furnished me by the Secretary of State, one from Chisholm to the Secretary of State, dated Portsmouth (England) August 15th 1798; the other in reply, dated 29th October 1798.

The last letter is presumed to have given rise to an idea in Colonel Henley, that Chisholm was strongly recommended by the Secretary of State and Mr. King, and may consequently have influenced him to the appointment of Chisholm as an Indian trader. It does not, however, appear to me, that the letter can possibly admit of the construction given to it, or justify the appointment.

I have the honor to be,  
 With great respect,  
 SIR,

Your most obedient servant,

JAMES M'HENRY.

The honorable

WILLIAM C. C. CLAIBORNE,  
 Chairman of the Committee, &c. &c. &c.

## [A LITERAL COPY.]

*Portsmouth August the 15th 1798*

SIR,

AGREABLE to my promise to Mr. King I think it my Duty to inform you—that I am this far on my way to america with the convoy of american ships I am on Board the ship sisters of Charles town South Carolina, I stupiluted with Mr. King to Return to the united States & for to Render the goverment Every Effort in my power—& that I would attend to any Instructions or Request that you should Require of me—I Kned not Recapitulate to you Sir the Rock that I spit on to you it is Known however Sir this much you may Be asured off that it is my full Determination to be usefull to the U S if you Require my service in any Respect--You may Depend on my punctuality & Entegrety—as their is a probibility of a war with france & spain, if it should be so I shall be thankfull to be Imploid in your service—I flatter myself that my service will be such that will make Every Sattisfaction to the U S--I shall make some small stay at Charlestown--and when I leave that shall proceed to the Indian Nation I shall be thankfull for a permit from you I have taken a passport & permit from Mr. King will you please to let me Kno your pleasure on the subject—I can be found by Directing to Charlestown to the Care of Mesures H: Grant & Lea Merchants—I write this letter in conformity to my Engagement to Mr. King—please to pardon this scrole as it is wrote in haste by the faver of Captin Gedes—in hopes of hearing from you and Knoing your pleasure—I beg leive to Subscribe myself your most obedient Hunble servant,

JOHN D CHISHOLM.

TIMOTHY PICKARON Esquire  
Secretary at war in the  
United States



[COPY.]

DEPARTMENT OF STATE,  
*Trenton, October 29th, 1798.*

SIR,

I HAVE received your letter of August 15th, from Portsmouth, in England. As you propose to go to the Indian country, I should advise you first to see Colonel Benjamin Hawkins, the Superintendant of Indian Affairs for the Southern Department. He is probably somewhere in the Creek nation; and with the passport, &c. you have from Mr. King, you will find an introduction to Colonel Hawkins; though I presume you already know him. I have no doubt that in the event of a war with France, you can be very useful in the Indian Department, and otherwise: and your late experience will have convinced you of the propriety and duty of every good citizen, to engage in no enterprize of a public nature, without the knowledge and approbation of his government.

I am, Sir, &amp;c. &amp;c.

TIMOTHY PICKERING.

Mr. JOHN CHISHOLM.







## SUMMARY VIEW of the INDIAN TRADE,

From the Commencement of the Establishment (from the 19th November 1795, the date of the first Invoice to Georgia Factory, and 25th November 1795, the date of the first Invoice to Tellico Factory) to the 9th January 1800.

Amount advanced on Treasury warrants,		90,000
Ditto of goods ditto from the public stores in Philadelphia,		3,076 68
Total amount of capital advanced,		
Georgia factory's share of the Treasury monies,		93,076 68
Ditto ditto, of goods from the public stores,	53,361 29	
	2,306 31	
Amount of Georgia factory's capital, ascertained on the 22d May 1799,		
Tellico factory's share of the Treasury monies,		55,667 60
Ditto ditto of goods from the public stores,	32,799 17½	
	770 37	
Amount of Tellico factory's capital, ascertained on the 18th May 1798,		
Amount in the hands of Tench Francis of the above 90,000 dollars, or applied by him to other purposes, ascertained on the 22d May 1799,		33,569 54½
		3,839 53½
Amount agreeing with the original capital,		
Amount of remittances from Georgia factory, paid into the hands of S. Meredith, Agent, in the year 1797,		93,076 68
Ditto, ditto, ditto, ditto,	17,222 47	
Ditto, ditto, ditto, ditto,	2,000	
Ditto, ditto, ditto, ditto,	7,000	
Ditto, ditto, ditto, ditto, to 9th Jan. 1800,	1,000	
Amount of remittances from Georgia factory,		
Amount of remittances from Tellico factory, paid into the hands of S. Meredith, Agent, in the year 1797,		27,222 47
Ditto, ditto, ditto, ditto,	13,005 85	
Ditto, ditto, ditto, ditto,	1,798	
Ditto, ditto, ditto, ditto, to 9th Jan. 1800, none.	10,999 12	
Amount of remittances from Tellico factory,		
		29,355 09
Total amount of remittances received from both factories, up to the 9th Jan. 1800, and deposited,		
Amount to be accounted for by Georgia factory, 9th January 1800,		56,577 56
Ditto, ditto, Tellico factory, ditto,	47,868 10	
	33,248 32	
Total Amount to be accounted for,		
Deduct amount, ascertained on settlement of acc. of Georgia factory, to the 22d May 1799, for which no account has been given,		81,116 42
Ditto, ditto, ditto, of Tellico factory, to the 18th May 1798, for which no account has been given,	15,379 70	
	2,713 63	
Total amount for which no account has been given,		
		18,093 33
Total amount remaining to be accounted for,		
		Dollars, 63,023 09

Amount to be accounted for brot. down,		Dolls. Cts.
To which add the sum for which no account has been given,	63,023 09	
Ditto, the sum deposited on the 27th January, 1800,	18,093 33	
Ditto, the balance in Samuel Meredith's hands, per Secretary of War's statement herewith, 9th January 1800,	10,562 91	
	1,398 21½	
Amount agreeing nearly with the original capital,	Dolls. 93,077 54½	

NOTE. The balance on hand, on the 9th January 1800, per statement from the Treasurer's office, is 1,397 dollars and 1 cent, which would, agreeably thereto, bring the above account to within 34 cents of the original capital.

COMPTROLLER'S OFFICE,  
April 17th 1800.

(Signed) AND. ROSS.

* List of warrants charged to the appropriations for establishing trading houses with the Indians.			
1795,	Dec. 28.	Warrant No. 5583, in favor of T. Francis, for 2000	
	31.	ditto, 5608, ditto, ditto,	4000
	Jan. 5.	ditto, 5682, ditto, ditto,	4000
	12.	ditto, 5710, ditto, ditto,	4000
	Feb. 16.	ditto, 5783, ditto, ditto,	3000
	29.	ditto, 5825, ditto, ditto,	2000
	Mar. 21.	ditto, 5885, ditto, ditto,	2000
	23.	ditto, 5944, ditto, ditto,	4000
	29.	ditto, 5906, ditto, ditto,	4000
	April 6.	ditto, 5987, ditto, ditto,	4000
	14.	ditto, 5998, ditto, ditto,	4000
	25.	ditto, 6023, ditto, ditto,	10000
	May 5.	ditto, 6057, ditto, ditto,	3000
	Nov. 17.	ditto, 6647, ditto, ditto,	10000
	1797, May 3.	ditto, 7171, ditto, ditto,	20000
	Nov. 20.	ditto, 7724, ditto, S. Meredith,	10000

Dollars, 90000



## UNITED STATES Account with Georgia and Tellico Factories.

Dr.	U N I T E D    S T A T E S .		Cr.
To Tellico factory, for fundries remaining May 18th 1798, per Tellico statement herewith, - - - - -	20,244 84½		
Ditto, for peltries in the hands of Andrew Tybout, estimated at, - - - - -	12,976 2	33,220 86½	
Georgia factory, for fundries remaining May 22d 1799, per Georgia statement herewith, - - - - -	6,477 47		
Ditto, for adventure from Philadelphia to London, - - - - -	6,188 25		
Ditto, for ditto from Savannah to ditto, - - - - -	3,394		
Ditto, for peltries in the hands of Andrew Tybout, estimated at, - - - - -	4,938 63		
	20,995 35		
Total amount of fundries, - - - - -		54,216 2½	
To Tellico factory, for cash deposited in the hands of Samuel Meredith, from March 8th 1797, to May 22d 1798, per Tellico statement herewith, - - - - -	17,355 97		
Georgia factory for ditto, - - - ditto, - - - ditto, from May 18th 1797, to May 22d 1799, per Georgia statement herewith, - - - - -	32,578 6		
Ditto for ditto, being the amount paid by T. Francis, on account of Tellico factory, out of the proceeds of Georgia factory, - - - - -	2,513 26		
	35,091 32	52,447 29	
<i>Deduct the following sums drawn out of the hands of Samuel Meredith, in pursuance of warrants of the Secretary of War, by T. Francis and J. Harris, on account of Tellico factory, from March 12th 1797, to May 18th 1798, viz.</i>			
To this sum drawn out by T. Francis for purchase of goods for said factory, 6,000 this sum paid by ditto, on account of said factory, out of the proceeds of Georgia factory, - - - - -	2,513 26	8,513 26	
this sum drawn out by J. Harris on account of said factory, - - - - -	4,684 51		
Ditto, drawn out by ditto, - - - - -	1,482 92	6,167 43	
this sum being amount of debts due by said factory, considered as paid out of the proceeds of said factory, in the hands of Samuel Meredith, - - - - -	5,040 24		
	19,720 93		
<i>Also the following sums drawn out of the hands of Samuel Meredith, in pursuance of warrants of the Secretary of War, by T. Francis and J. Harris, on account of Georgia factory, from March 13th 1797 to May 22d 1799, viz.</i>			
To this sum drawn out by T. Francis, for the purpose of purchasing goods for said factory, - - - - -	8,465 57		
Ditto, being the amount of E. Price's draft, paid by J. Harris, - - - - -	1,421 27		
Ditto, being the amount of J. Clay's drafts, paid by ditto, - - - - -	935 24		
Ditto, being the amount of contingent account paid by ditto, - - - - -	3,896 81		
Ditto, being the amount of contingencies, not included in the above, paid by ditto, - - - - -	1,079 88		
	7,333 20	15,798 77	
	35,519 70		
Total amount of cash remaining in the hands of S. Meredith, - - - - -		16,927 59	
From amount of Treasury warrants, per contra, - - - - -		90,000	
Deduct amount of goods purchased, and payments made by T. Francis, per Georgia statement, - - - - -	62,326 86		
Deduct this sum paid to E. Price, November 26th 1795, charged by said Francis in his contingent account, - - - - -	500	61,826 86	
Also this sum drawn out of the hands of Samuel Meredith, for the purpose of purchasing good for said factory, - - - - -	8,465 57		
Amount of Treasury warrants applied to purchases for Georgia factory, Amount of goods purchased, and payments made by T. Francis, for Tellico factory, per statement herewith, - - - - -	41,312 43½	53,361 29	
Deduct this sum paid by said Francis, on account of said factory, out of monies of Georgia factory, - - - - -	2,513 26	38,799 17½	
Also this sum, drawn out of the hands of Samuel Meredith, for the purpose of purchasing goods for said factory, - - - - -		6,000	
Amount of Treasury warrants applied to purchases for Tellico factory, - - - - -	32,799 17½		
Amount purchased with monies drawn on Treasury warrants, - - - - -		86,160 26½	
To amount of cash in the hands of Tench Francis, or applied to other purposes, - - - - -			
Balance for which no account has been given, - - - - -	3,839 53½		
	18,093 33½		
	Dollars, 93,076 68		
By this sum advanced on account of Georgia and Tellico factories, per list of Treasury warrants herewith, Amount of goods taken from public stores in Philadelphia and forwarded to said factories, per Georgia and Tellico statement herewith, - - - - -		90,000	
		3,076 68	
Amount advanced, - - - - -		Dollars, 93,076 68	
NOTE. The amount of proceeds of peltries, from Georgia factory, deposited in the hands of Samuel Meredith, as agent for the factories, from the commencement of the institution, to the 9th January 1800, - - - - -	27,222 47		
Ditto, of proceeds of peltries, from Tellico factory, - ditto, ditto, ditto, - - - - -	29,355 9		
		56,577 56	
Deduct amount drawn out, on account of Georgia factory, up to the 9th January 1800, - - - - -	25,195 48½		
Ditto, amount drawn out on account of Tellico factory, - ditto, ditto, ditto, - - - - -	29,083 80½		
		55,179 34½	
Remaining in the hands of Samuel Meredith, 9th January 1800, - - - - -		Dollars, 1,398 21½	







REPORT  
OF THE  
COMMITTEE

TO WHOM WAS REFERRED  
THE BILL SENT FROM THE  
SENATE,

INTITULED "AN ACT PRESCRIBING THE MODE  
OF DECIDING DISPUTED ELECTIONS OF  
PRESIDENT AND VICE-PRESIDENT  
OF THE  
*UNITED STATES.*"

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25th. April, 1800.

Committed to a Committee of the Whole  
House, on Monday Next.

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*[Published by Order of the House of Representatives.]*

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# REPORT

... was reported a Bill for the  
... of the ... of the United States  
... the said ...

... from the word "assembled"  
... to the end of the  
... the following—

...  
... and Vice-President shall  
... it shall be the duty  
... Representatives of the States  
... in each hour for a  
... thus chosen shall  
... power to examine  
... of President  
... other States, other  
... by which  
... appointed. Provided,  
... of having  
... of the  
... of Representatives  
... to have  
... of the  
... the



# REPORT.

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*The Committee to whom was referred a Bill from the Senate, prescribing the mode of deciding disputed elections of President and Vice-President of the United States, recommend to the House, to agree to the said Bill with the following amendments.*

STRIKE out from the word "assembled," in the second line of the first section to the end of the bill, and insert in lieu thereof the following—

“ That on the next following  
the day when a President and Vice-President shall have been voted for by electors it shall be the duty of the Senate and House of Representatives of the United States to choose by ballot in each house four members thereof: And the persons thus chosen shall form a joint committee and shall have power to examine into all disputes relative to the election of President and Vice-President of the United States, other than such as may relate to the number of votes by which the electors may have been appointed. *Provided always,* that no person shall be capable of serving on this committee who shall be one of the five highest candidates from among whom a President of the United States may be chosen by the House of Representatives in case no person should be found to have a majority of the whole number of the votes of the electors appointed by the different States.

SEC. 2. *And be it further enacted,* That the President of the Senate shall deliver to the members of this joint committee appointed from the Senate, all the petitions exceptions and memorials against the votes of the electors or the persons for whom they have voted together with the testimony accompanying the same and all documents relative thereto of which he may be possessed, other than those inclosed in the packets containing the certificates of the votes of the electors; And the Speaker of the House of Representatives shall deliver to the members of the joint committee appointed from that House, all the documents relative to the votes for President and Vice-President of which he may be possessed.

SEC. 3. *And be it further enacted,* That the joint committee shall meet on every day (Sunday excepted) from the time of their appointment until they make their report.—Six members of whom, there must be three from each house, may proceed to act. If any member of the committee appointed by either House should die, or become unable to attend after his appointment, the committee before they proceed further shall notify both Houses of such death or inability; and the House by which such member was appointed, shall immediately proceed to choose another member, by ballot, to supply such vacancy.

SEC. 4. *And be it further enacted,* That the joint committee shall have power to send for persons and papers, to compel the attendance of witnesses, to administer oaths or affirmations to all persons examined before them, and to punish contempts of witnesses refusing to answer, as fully and absolutely as the Supreme Court of the United States may or can do in causes depending therein: and the testimony of all witnesses examined before the committee, shall be reduced to writing by the clerk of the committee, and shall be signed by the witness after his examination is



closed: And if any person sworn and examined before this committee, shall swear or affirm falsely, such person, being thereof convicted, shall incur the pains, penalties and disabilities, inflicted by the laws of the United States, upon wilful and corrupt perjury.

SEC. 5. *And be it further enacted,* That it shall be the duty of the Marshals of the several districts of the United States, and of their deputies, to serve all process directed to them, and signed by the chairman of the joint committee; and for such services they shall receive the fees allowed for services of similar process, issued by the Supreme Court of the United States; all witnesses attending the committee in consequence of summons or other process, shall receive the same compensation as witnesses attending the Supreme Court of the United States.

SEC. 6. *And be it further enacted,* That the joint committee shall appoint a clerk who shall keep a journal of their proceedings under their direction to be reported to the Senate and House of Representatives.

SEC. 7. *And be it further enacted,* That before the houses shall assemble for the purpose of counting the votes, each house shall choose, by ballot, two members thereof as tellers, whose duty it shall be to receive the certificates of the electors, from the president of the Senate, after they shall have been opened and read, and to note in writing, the dates of the certificates, the names of the electors, the time of their election and the time and place of their meeting, the number of votes given, and the names of the persons voted for; and also the substance of the certificates from the executive authority of each state, accompanying the certificates of the electors; and the minutes thus made by the tellers, shall be read in the presence of both houses, and a copy thereof entered on the journals of each.

SEC. 8. *And be it further enacted,* That so soon as the joint committee shall have made the examinations and taken and digested the testimony, a report of their proceedings shall be made both to the Senate and House of Representatives, and shall be inserted on the journals of each House. The said report shall contain all the petitions, exceptions and memorials against the votes of the electors or the persons for whom they have voted together with the whole testimony, and arranging with each petition, exception, memorial and vote, the testimony relative thereto, but without giving any opinion thereon. The report shall also contain a copy of the law, resolution or act of the state legislatures respectively, under which the electors of the president and vice president of the United States, whose votes are to be counted, were chosen. So soon as this report shall have been made and entered on the journals the Senate and House of Representatives shall meet at such place as may be agreed on for the purpose of counting the votes for president and vice president of the United States. The names of the several states shall then be written under the inspection of the speaker of the House of Representatives, on separate and similar pieces of paper, and folded up as nearly alike as may be, and put into a ballot box, and shaken by a member of the House of Representatives, to be named by the speaker thereof, out of which box shall be drawn, the paper on which the names of the states are written one at a time, by a member of the Senate, to be named by the president thereof, and so soon as one is drawn the packet containing the certificates from the electors of that state shall be opened by the president of the Senate, and shall then be read, and then shall be read also the petitions, depositions and other papers and documents concerning the same, and if no exception is taken thereto, the votes contained in such

certificate shall be counted; but if any exception be taken, the person taking the same shall state it directly, and not argumentatively, and sign his name thereto, and if it be founded on any circumstance appearing in the report of the joint committee, and the exception be seconded by one member from the Senate, and one from the House of Representatives, each of whom shall sign the said exception, as having seconded the same, then each house shall immediately retire, without question or debate to its own apartment, and shall take the question on the exception without debate, by ayes and no's. So soon as the question shall be taken in either house, a message shall be sent to the other, informing them that the house sending the message is prepared to resume the count, and when such message shall have been received by both houses, they shall again assemble in the same apartment as before, and the count shall be resumed. And if the two houses have concurred in rejecting the vote or votes objected to, such vote or votes shall not be counted, but unless both houses concur such vote or votes shall be counted. If the objection taken as aforementioned shall arise on the face of the papers opened by the president of the Senate in presence of both houses, and shall not have been noticed in the report of the joint committee, such objection may be referred to the joint committee to be examined and reported on by them in the same manner and on the same principles as their first report was made, but if both houses do not concur in referring the same to the committee, then such objection shall be decided on in like manner as if it had been founded on any circumstance appearing in the report of the committee. The votes of one state being thus counted, another ticket shall be drawn from the ballot box, and the certificate and the votes of the state thus drawn shall be proceeded on as is herein before directed, and so on,



one after another until the whole of the votes shall be counted. The two houses may adjourn from day to day, passing over Sunday, until the count shall be completed. When a motion for adjournment shall be made by a member of either house and seconded by a member from each house, the question thereon shall be taken in the two houses separately and if they do not concur, they shall proceed in the count.

SEC. 9. *And be it further enacted,* That when the joint committee shall have been duly formed according to the directions of this act, it shall not be in the power of either house to dissolve the committee, or to withdraw any of its members.

SEC. 10. *And be it further enacted,* That it shall be the duty of the executive authority of each state, to cause three copies of the law, resolution, or act of the state legislatures respectively, under which electors are chosen or appointed, to be made, certified under the seal of the state, and delivered to the electors in such state before they give their votes, and the electors shall annex one of the said copies to each list of their votes, and it shall be the further duty of the executive authority of each state as soon as may be and within days after the appointment therein of electors of president and vice-president of the United States to cause three other copies of the said law, resolution or act together with a complete list of the electors appointed and the time of their election to be made and certified as aforesaid and to transmit them inclosed, noting on each the contents of the packets, one to the president of the Senate, one to the speaker of the House of Representatives and one to the secretary of state of the United States: And it shall be the duty of the post-master-general and post-master at the seat of government to whom or to whose knowledge such packets may come to deliver them to the officers respectively to whom they may be directed, or in case of the

absence from the seat of government of such officer, to deliver the packet to him directed to the secretary of the Senate, the clerk of the House of Representatives or to the chief clerk of the department of state, as the case may be. And it shall hereafter be the duty of the electors to express specially in their certificates, the time, the place, and the manner of giving their votes.

SEC. 11. *And be it further enacted,* That all petitions respecting the election of president and vice-president of the United States, shall be presented and read in the Senate of the United States, and then be transmitted to the House of Representatives, where they shall be read and afterwards delivered to the joint committee; but no petition shall be received after the

; nor shall any petition against the qualifications of a candidate or elector, or for improper conduct in an elector, be received, unless ten days notice thereof in writing be previously given to the person whose qualifications are contested, or whose improper conduct is petitioned against.

SEC. 12. *And be it further enacted,* That persons petitioning against any of the votes given by any of the electors of president and vice-president of the United States and persons desirous of supporting such contested votes may respectively apply to any judge of the courts of the United States, or to any chancellor, justice, or judge of a superior or county court, or court of common pleas of any state, or to any mayor, recorder or intendant of a town or city, who shall, thereupon, issue his warrant of summons, directed to all such witnesses as shall be named to him by such applicant, or his agent duly authorized for that purpose, and requiring the attendance of such witnesses, before him, at some convenient time and place, to be expressed in the warrant, in order to be then and there examined, in the manner herein after provided, touching the subject matter of the aforesaid application.



SEC. 13. *And be it further enacted,* That every such witness, as is abovementioned, shall be duly served with such warrant, by a copy thereof being delivered to him or her, or left at his or her usual place of abode; and that such service shall be made a convenient time before the day on which the attendance of such witness is required, which time the magistrate issuing the warrant is hereby authorized and required to fix, for each witness, at the time of issuing it, having respect to the circumstances of such witness, and the distance of his or her residence from the place of attendance.

SEC. 14. *And be it further enacted,* That any person, being summoned in the manner above directed, and refusing or neglecting to attend, pursuant to such summons, unless in case of sickness, or other unavoidable accident, shall forfeit and pay the sum of twenty dollars, to be recovered with costs of suit, by the party at whose instance the warrant of summons was issued, and for his use, by action of debt in any court, or before any other tribunal of the United States, or any state, having jurisdiction to the amount of such penalty.

SEC. 15. *And be it further enacted,* That persons desirous of taking testimony either to support a petition against any contested votes for president and vice-president of the United States or to support any such vote or votes shall previously advertize the time and place for taking such testimony together with the points intended to be established thereby for \_\_\_\_\_ weeks successively, in some one of the gazettes published at the seat of government of the state in which the votes to which the testimony is to relate were given; provided there be a gazette published at the seat of government, and in some one of the gazettes near the place at which the testimony is to be taken if there be any gazette published nearer such place than the seat of government.

SEC. 16. *And be it further enacted,* That all witnesses who shall attend in pursuance of the said summons and all other witnesses who shall be produced at

the time and place aforesaid shall then and there be examined on oath or affirmation by the magistrate who issued the warrant of summons aforesaid, or in case of his absence by any other such magistrate as is authorized by this act to issue such warrant, touching all such matters and things respecting the votes about to be contested or supported as may have been suggested in the notice herein before directed to be published; the testimony given on which examination together with the questions proposed to the witnesses respectively, the said magistrate is hereby authorized and required to cause to be reduced to writing in his presence and to be duly attested by the witnesses respectively; after which he shall transmit the said testimony duly certified under his hand, covered and sealed up to the president of the Senate; together with a copy of the warrant of summons and notification issued in that behalf and the original affidavit proving the service of such notification.

“SEC. 17. *And be it further enacted,* That in case any judge, justice, chancellor, mayor, recorder or intendant as is aforesaid, to whom the application herein mentioned shall be made, shall, by reason of sickness, necessary absence, or unavoidable accident, be rendered unable to attend at the time and place fixed for the examination aforesaid, it shall be lawful for him to certify the matter, and the proceedings had by him in that behalf, to any other magistrate of any of the descriptions aforesaid, which said magistrate thereupon, shall be, and hereby is authorized to attend at such time and place, and to proceed touching the said examinations, in all respects, as the magistrate issuing the warrant of summons might have done, by virtue of this act.

SEC. 18. *And be it further enacted,* That when no such magistrate as is herein authorized to receive applications as aforesaid, and proceed upon them, shall reside within any district for which an election about to be contested shall have been held, it shall be lawful to

make such application to any two justices of the peace residing within the said district, who are hereby authorized in such case, to receive such application, and jointly to proceed upon it in the manner herein before directed.

SEC. 19. *And be it further enacted*, That every witness attending by virtue of such warrant of summons as is herein directed to be issued, shall be allowed the sum of seventy-five cents for each day's attendance, and the further sum of five cents, for every mile necessarily travelled in going and returning, which allowance shall be ascertained and certified by the magistrate taking the examination, and shall be paid by the party at whose instance such witness was summoned: and such witness shall have an action for the recovery of the said allowance, before any court or magistrate having competent jurisdiction, according to the laws of the United States, or of any state, in which action the certificate of the magistrate taking the said examination shall be evidence.

SEC. 20. *And be it further enacted*, That each judge, justice, chancellor, mayor, recorder, intendant and justice of the peace, who shall be necessarily employed, pursuant to the directions of this act, and all sheriffs, constables, or other officers who may be employed to serve any of the warrants of summons or notifications herein provided for, shall have and receive from the party at whose instance such service shall have been performed, such fee or fees, as are or may be allowed for similar services in the states wherein such service shall be rendered, respectively.

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Strike out the whole of the title, and insert in lieu thereof the following :

“ An act prescribing the mode of counting the votes for President and Vice-President of the United States.”



R E P O R T

OF THE

*Committee of Claims,*

*To whom was referred, on the 28th of February last,*

THE

P E T I T I O N

OF

ANN ELLIOT.

---

Committed to a Committee of the whole House, on  
Monday next.

[ *Published by order of the House of Representatives.* ]











# R E P O R T.

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*The COMMITTEE OF CLAIMS to whom was referred  
the Petition of ANN ELLIOT,*

*REPORT—*

**T**HAT she states that her husband the late Robert Elliot, was employed as Contractor to the army of the United States—that in obeying the directions of the late General Wayne, and endeavouring to advance with provisions to Fort Recovery, he was attacked by a party of Indians and killed on the 6th October, 1794; that she, by this unhappy Event, is bereaved of an affectionate husband, and her children of a tender Father, and therefore prays that such relief may be bestowed as the peculiar circumstances of the case may require.

The provision heretofore made by law for the relief of Widows and Orphans have not embraced cases of this nature—Unless they should be generally extended so as to include all cases resting on the same principles, the policy of which measure is at least questionable, the Committee are of opinion this petition cannot be granted.

REPORT  
REPORT


Committee of  
Committee of

on the

PETITION

FOR THE

of the



R E P O R T

OF THE

*Committee of Claims,*

*To whom was referred, on the 25th ultimo,*

THE

P E T I T I O N

OF

JANE LYNCH.

---

26th April, 1800.

Committed to a Committee of the whole House, on  
Monday next.

---

[*Published by order of the House of Representatives.*]

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R E P O R T.  
—————

*The COMMITTEE OF CLAIMS to whom was referred the  
Petition of JANE LYNCH, Widow of John R. Lynch,  
late a Surgeon in the Sixth Regiment of Artillery, in  
the service of the United States,*

*REPORT—*

**T**HAT she states that her husband was for many years a surgeon in the service of the United States—that in the summer of the year 1799, the case of a sick soldier demanded uncommon care and attention, and Dr. Lynch in attending upon him was greatly exposed—that a mortal malady seized him, of which he soon died, leaving her and three helpless children unprovided for;—she prays that some provision may be made for her and her children.

From the evidence submitted to the Committee, they have no doubt of the truth of the facts stated. They compassionate the situation and misfortunes of the Petitioner—but cannot find a principle hitherto deemed admissible by Congress which will justify their recommending that particular provision should be made in this case.



REPORT

OF THE

COMMISSIONERS OF CLAIMS

FOR THE YEAR 1871

AND

PETITION

OF

WILLIAM ELLIOT

IN CONNECTION WITH THE CLAIM OF

WILLIAM ELLIOT

FOR THE RECOVERY OF THE WHOLE OF THE

AMOUNT OF THE CLAIM



R E P O R T

OF THE

*Committee of Claims,*

*To whom was referred, on the 25th ultimo,*

THE

P E T I T I O N


OF

*JOHN BAPTISTE VERDIER.*

---

Committed to a Committee of the whole House, on  
Monday next.

[*Published by order of the House of Representatives.*]





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**R E P O R T.**  
—————

*The COMMITTEE of CLAIMS, to whom was referred,  
the petition of JOHN BAPTISTE VERDIER.*

**REPORT—**

**T**HAT the object of this petition is to obtain compensation from the United States, for the amount of three certificates of registered debt, amounting to two thousand six hundred and seventy four dollars, and 77 90ths principal, which were due to the petitioner, and which he alledges were erroneously paid to Robert Morris, Esq.—The principles upon which this claim is supported, are detailed in the petition and in the several documents marked A. B. C. D. E. F. G. H, to which the Committee ask leave to refer, and request that the same may be received as a part of this report. Upon an attentive examination and consideration of this case, the Committee are of opinion the petitioner ought to be relieved and that the United States should seek their remedy upon the bond executed for their indemnity by the said Robert Morris: under this impression the Committee submit the following resolution for the consideration of the House, viz.

*Resolved,* That provision ought to be made by law for compensating John Baptiste Verdier, for three certificates of registered debt, which were transferred by Robert Morris, to Samuel Meredith, Treasurer of the United States, in trust for the United States, being the property of the said John Baptiste Verdier, originally payable to him, and passed to his credit on the books of the Treasury; in the whole amounting to the sum of 2,674 dollars, and 77 90ths, on which interest had been paid till January 1<sup>st</sup> 1793.

To the Honorable HOUSE of REPRESENTATIVES of  
the United States.

The Petition of John Baptiste Verdier, late captain in  
colonel Armand's legion, in the service of the Uni-  
ted States,

*Most respectfully sheweth,*

**T**HAT your petitioner was entitled, and did receive  
from the Board of Treasury of the United States,  
three certificates amounting to two thousand six hun-  
dred and seventy four dollars 77-90ths. in full of the  
settlement of his pay and commutation, which interest,  
as a foreign officer, was made payable at the house of  
Mr. Grand, banker in Paris.

That your petitioner entrusted the said certificates to  
captain Briffault, of Armand's legion, with a power to  
receive the interest of the same, as it became due, and  
that the said interest was paid up to the 1st of January,  
1793.

That your petitioner went sometime afterwards to  
the island of St. Domingo, where he was appointed by  
the then government, to the post of Provost at Port  
de Paix, which office he held, until by the event of the  
insurrection of the negroes, and being grievously  
wounded in the discharge of his duty, he was compelled,  
with many other sufferers, to seek a refuge in these  
United States.

This unfortunate event, and the little savings he had  
made from the general wreck, were sufficient induce-  
ments for him to enquire after his certificates; when, to  
his great surprise, he was made acquainted that they  
had come into the possession of the Board of Treasury,  
and that Robert Morris, of the city of Philadelphia, had  
received payment for the same.



Upon application he was informed by Mr. Morris that captain Briffault had made sale of his (your petitioner) certificates to certain persons in France, on whose account he had recovered the same, and at his further request the said Morris engaged not to pay the amount of the said recovery until matters had been cleared up between your petitioner and captain Briffault.

Your petitioner being advised that he could have no remedy but in due course of law, was induced, in the spring of 1796, to bring a suit against said Robert Morris, which suit has been depending to this day; but from the present circumstances of the said Robert Morris, he can entertain no hope of relief.

Thus situated, and after a consideration of his case, his counsel learned in the law advised an application to the officers of the Board of Treasury, as they considered, that they had no right to make payment, and that the conditions of the bond entered into by Robert Morris, to produce, within a certain fixed time, proper documents authorising the transfer and payment, had not been complied with, or that those that he did produce were nugatory or unlawful in their nature.

The grounds upon which the claim of your petitioner is founded, being fully stated in his letters of 20th of March and 2d of April, to John Steele, Esq. Comptroller of the Treasury, your petitioner begs leave to refer your honourable House to the same, and the documents annexed to the present.

Humbly beseeching that you may please to make such order as your justice may seem meet; and your petitioner, as in duty bound, shall ever pray:

JN. BTE. VERDIER.

April, 1798.

#### A LIST OF PAPERS ANNEXED.

- No. 1. *Robert Morris's Letter, August 30th, 1794.*  
 2. *Ditto, December 3d, ditto.*  
 A. 3. *Joseph Nourse's Certificate, Sept. 11th, 1795.*  
 B. 4. *Robert Morris's Bond, May 9th, 1793.*

- C. 5. *Briffault's Power*, *August 30th, 1796.*  
 D. 6. *Verdier's Letter to John Steele*, *March 20th,*  
*1798.*  
 E. 7. *John Steele's Letter to Verdier*, *March 27th,*  
*1798.*  
 F. 8. *Verdier's Letter to John Steele*, *April 2d, do.*  
 G. 9. *John Steele's Answer*, *ditto 5th, do.*  
 H. 10. *Certificate of a Power of Attorney*, *July 17th,*  
*1784.*

[A.]

I DO hereby certify, that on the 6th day of April, 1784, there was passed to the credit of Captain John Baptist Verdier, on the books of the Treasury, the sum of two thousand six hundred and seventy four dollars and seventy seven ninetieths, on interest from the 1st of January 1784, and for which sum the following certificates were issued, viz:

No. 50. For one thousand dollars.

No. 51. For one thousand dollars.

No. 52. For six hundred and seventy four dollars, 77 90ths, and do further certify that on the 10th day of May, 1793, the above mentioned certificates, were transferred by Robert Morris, to Samuel Meridith, Treasurer of the United States, in trust, for the United States, and that interest had been paid at Paris up to the 1st January 1793, as indorsed on said certificates.

TREASURY-DEPARTMENT,

*Register's Office, 18th September, 1795.*

JOSEPH NOURSE, *Register.*

*Philadelphia, February 17th 1796.*

I DO hereby certify, that I did call this day, at the request and in company with Captain John Baptist Verdier, upon Robert Morris, Esq. and was present

when he the said Verdier, made demand of the three certificates abovementioned, as being his property, and that the said Robert Morris, did actually refuse to deliver them, or the amount thereof. In witness whereof I have hereunto set my hand this day and year above written.

CHARLES WHITE.

[B.]

**K** NOW all men by these presents, that I Robert Morris, of Philadelphia am held and firmly bound unto the United States in the full sum of five thousand three hundred and forty nine dollars, and fifty four cents, to be paid to the United States, to which payment well and truly to be made and done, I bind myself, my heirs, executors and administrators firmly by these presents sealed with my seal, and dated this ninth day of May, seventeen hundred and ninety three.

Whereas Robert Morris, hath presented at the Treasury for assignment agreeably to the provisions contained in the act supplementary to the act, making provision for the debt of the United States, three certificates signed Joseph Nourse, Register, all in the name of John Baptiste Verdier, and numbered 50 and 51, for onethousand dollars each, and No. 52, for six hundred and seventy four dollars, and seventy seven ninetieths of a dollar, and the said certificates are unaccompanied with any instrument authorizing the transfer or receipt of payment. The Comptroller of the Treasury, has nevertheless authorized the transfer and directed payment. Now the condition of this obligation is such, that if the above bounden Robert Morris, his heirs, executors, or administrators, shall, on or before the first day of May next ensuing the date hereof, produce to the proper officer of the Treasury, a legal letter of attorney from the said John Baptiste Verdier, empowering the said Robert Morris to make the transfer, or receive payment for the said certificates; and if the said



Robert Morris shall and do indemnify the United States and the Comptroller of the Treasury, from all claims of the said John Baptiste Verdier, for the amount of the said certificates, then this obligation to be void ; else to remain in full force and virtue in law.

ROBERT MORRIS, (L. s.)

*Signed, sealed and delivered,  
in presence of*

GERVAS HALL,  
HENRY KUHL.

COMPTROLLER'S OFFICE,

February 6th, 1796,

A true copy of the original on file.

JOHN DAVIS, *Comptroller.*

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[C.]

**K** NOW all men by these presents, that I Augustin Briffault, Captain in the service of the United States of America, do make, constitute and appoint Robert Morris, of the city of Philadelphia, my true and lawful attorney for me and in my name, to accept, receive and take the reimbursement of the following sums of money due to me by the United States, and avouched in the manner hereinafter mentioned, viz. One thousand dollars mentioned in the certificate given me by Joseph Nourse, Register, dated fifth of April, 1784, and numbered fifty-six; one other thousand dollars mentioned in a like certificate of the same date; and numbered fifty-seven; seven hundred and twelve dollars and fifty-seven ninetieths of a dollar, mentioned in a like certificate of the same date, and numbered fifty-eight, and seven hundred and seventy-one dollars thirty-nine ninetieths of a dollar, mentioned in a like certificate of the same date, and numbered fifty-nine, and also for me and in my name, to receive the further sums due to John Baptiste Verdier, and which I was authorized by him to receive by a power

of him the said John Baptiste Verdier, made in the consular office, at Philadelphia the 16th July 1784, before Monsieur de Marbois, the which sums are vouched as follows: one thousand dollars, by a certificate of Joseph Nourse, dated in the register's office, the 5th of April 1784, and numbered fifty, one thousand dollars by a certificate of like tenor and date, numbered fifty one, and six hundred and seventy four dollars and seventy seven ninetieths of a dollar, by a certificate of like date numbered fifty two, and I do hereby authorize the said Robert Morris to give all due and proper acquittances and discharges therefor in me and in my name, or otherwise.

In witness whereof, I have hereunto set my hand and seal, this ninth day of March, 1793,

*Signed, sealed and delivered,*

*in presence of* \_\_\_\_\_

AUGUSTINE BRIFFAULT.

N. CORBIN.

I Gouverneur Morris, Minister Plenipotentiary of the United States of America, do hereby to all whom it may concern that the abovementioned Augustin Brisfaulth hath acknowledged before me the above act, as being duly executed by him.

In witness whereof, I have hereunto set my seal, and subscribed the same, done at Paris the ninth day of March 1793.

(L. s.)

(Signed) GOUV. MORRIS.

TREASURY DEPARTMENT,

*Register's Office, 30th of August, 1796.*

I do hereby certify that the above power of attorney is a true copy of the original on file in this office,

In witness whereof I have hereunto set my hand, and affixed the seal of office the day and year above mentioned.

(L. s.)

JOSEPH NOURSE, *Register.*



[D.]

*Philadelphia, March 20th, 1798.*

S I R,

**T**HE Congress of the United States, were pleased to direct a credit in my behalf, in the books of the continental Treasury, on the sixth of April 1784, of a sum of 2674, 77 90ths dollars, the same being for balance due me on settlement, for my services as captain, in Colonel Armand's legion, during the late revolution.

Certificates were issued as follows;

No. 50. For one thousand dollars.

No. 51. For one thousand dollars.

No. 52. For six hundred and seventy four dollars, 77 90ths; bearing interest at six per cent, payable at the House of M. Grand banker in Paris, which interest appears to have been paid up, to the 1st of January 1793.

These certificates, I entrusted to the care of Captain Augustin Briffault, of Armand's legion, with power to receive the interest as it become due: my power of attorney, was passed in 1784, before Barbe Marbois consul of France, as appears from the inclosed attestation of citizen Poree, chancellor of the consulate of the French Republic in this city of Philadelphia. This power being entered only by extract in the records of the said office; it does not appear, that I have granted him any further authority, than to receive the interest, though it is possible, it may have contained that of selling and conveying my said property. I think it proper to mention this particular at present, that no imputation of a want of candor on my part, may be made at any future stage of this business, and to shew that if any such power was given by me, that it was not used lawfully, and cannot prejudice the claim I am going to submit to your consideration.

From a record among the files of the Comptroller of the Treasury it appears, that on the ninth day of May,

1793, Robert Morris, made application, and presented for assignment agreeably to the provisions contained in the act supplementary to the act making provision for the debt of the United States, three certificates signed Joseph Nourse Register, all in the name of J. B. Verdier, No. 50, and 51, for one thousand dollars each, and No. 52, for six hundred and seventy-four dollars, 77 90ths, and the said record, further specifies in the following words :

“ And the said certificates are unaccompanied with any instrument authorizing the transfer or receipt of payment, the Comptroller of the Treasury, has nevertheless authorized the transfer and directed payment. Now the condition of this obligation is such, that if the above bounden Robert Morris, his heirs executors or administrators shall, on or before the first day of May next ensuing the date hereof, produce to the proper officer of the Treasury, a legal letter of attorney from the said John B. Verdier, empowering the said Robert Morris, to make the transfer, or receive payment for the said certificates, &c.”

Now in compliance with the said bond, or obligation, Robert Morris, has deposited only in the Treasury office, an instrument purporting to be a power granted by Augustin Briffault, on the ninth day of March 1793, passed before Gouverneur Morris, minister Plenipotentiary of the United States, to the Republic of France, “ constituting the said Robert Morris, his true and lawful attorney, for and in his name to accept, receive and take the reimbursement of sundry certificates, *and among them those granted me*, specifying that he was fully authorized by me, by virtue of my letter of attorney, further authorizing the said Robert Morris, to give all due, and proper acquittances and discharges for me, and in my name.”

As I stated before, I am ignorant if I have granted the power to Captain Briffault, to sell and convey, as the extract I have now the honor to produce, seems to be confined to the express purpose of receiving the in-

terest from M. Grand, as it became due: however as it is possible that such authority may have been given, I shall contest the point no further, than to submit, that the officers of the Treasury ought to have been satisfied with nothing less, than an exemplification of my said letter of attorney, because the authority of Gouverneur Morris, to pass Briffault's power is at best questionable, and the bond of indemnity makes it a condition, that the said Robert Morris, should produce within a given time, a legal letter of attorney from me, empowering the said Robert, to transfer, or receive payment &c.

Should such a power have been transmitted to the board, I beg leave to request that a copy thereof under the seal of office, may be delivered to me; on the contrary, I shall contend that the officers of the said board have stepped out of the line of their duty, in accepting an instrument inadequate to their discharge, and that my claim to the certificates in contention, remains unimpaired, and that I have a right to make a demand for payment.

It is now four years that I am in pursuit of this claim, the only means I have left for my support: the present situation of Mr. Morris, does not leave me any hopes of ever recovering any thing against him, and it is very painful for me, to be now obliged to make this appeal to your justice. Should my present demand appear to you in an unfavorable light, I shall beg from your humanity, that the necessary authenticated documents may be drawn for me, so as I may prosecute my right, as my counsel learned in the law shall best advise.

Drove back upon this country by the unfortunate insurrection in St. Domingo, where I held an honorable office, as provost at Port-de-Paix, I find my little savings almost exhausted, and have to rest my prospects of future support upon the issue of this business.

A true copy from the original,  
 JOHN BAPTISTE VERDIER.

To John Steele, Esq. Comptroller  
 of the Treasury of the United  
 States. }



[E.]

## TREASURY-DEPARTMENT,

COMPTROLLER'S OFFICE,

27th March, 1798.

S I R,

I HAVE received your letter of the 20th instant. The debt due to you as a foreign officer, for services performed in the late war, has been discharged, and the amount paid to Robert Morris, Esq. who exhibited the original certificates, with an authority from Augustin Briffault, your agent at Paris, to receive payment. The payment having been made to a person apparently authorized to receive it, and the evidences of the debt regularly cancelled, a second payment is not to be expected, unless the Legislature should think fit to pass a special act for that purpose.

I am,

S I R,

very respectfully,

Your obedient servant,

JOHN STEELE,

*Comptroller of the Treasury.*

MR. VERDIER.

1793,

May 10th Warrant No. 2767, Robert Morris, Esq. for dols. 2,674 85-100ths, for 3 certificates amounting to that sum, in the name of Verdier.

Robert Morris's bond, dated May 9th, 1793, in the penalty of 5,349 54-100ths dollars, to produce a legal letter of attorney from John Baptiste Verdier, on or before the 1st of May, 1794.

[F.]

Philadelphia, April 2d, 1793.

S I R,

I HAVE received your letter of the 27th inst. in answer to mine of the 20th of the same month. You therein inform me, that the payment of my certificates having been made to a person apparently authorized to receive it, and the evidences of the debt regularly cancelled, a second payment is not to be expected, unless the Legislature should think fit to pass a special act for the purpose.

Before I do resort to this ultimate mode of obtaining relief, I consider it a duty I owe to myself and to the Officers of the Board of Treasury, to call once more their serious attention to this business, and to state my claim under such point of view, as must convince you that this application would not only be improper in this stage of the business, but that I am acting an honorable part, in enabling you to repair the injury done me by an unlawful exertion of authority.

In my letter I have stated,

1st. That I had granted a power to Augustin Briffault, to receive for me the interest of my certificates from M. Grand in Paris as they became due, and that the said interest has been received to January 1st, 1793.

2dly. That I was ignorant if the said power did contain an authority to sell or transfer the said certificates. I did ask you for a certified copy of the said power, observing at the same time, that Gouverneur Morris's authority to receive Briffault's transfer to Robert Morris, being at best questionable, the officers of the treasury ought to have been satisfied with nothing less than an exemplification of my said letter of attorney—but this request you were pleased to deny.

It then becomes incumbent upon me, to satisfy you that *the person apparently authorized* to receive payment had no authority to demand the same; that he did not



lawfully comply with the obligation contained in his bond of May 9th, 1793, and that the Officers of the Treasury have not done their duty in receiving papers inadequate to their discharge.

1st. The laws of France require, that all powers of attorney, bills of sale, all kinds of contracts whatsoever, should be passed before two Notaries Public, the original to remain on record with one of the said Notaries. All writings to be drawn upon stamped paper, and subject to a duty of seal and controul; no instruments to be valid in law except in the said form.

2ndly. No foreign minister or consul has a right to pass any power of attorney, bill of sale, &c. at the instance of the natives of the country to which he is sent, his ministry being confined to such acts only as his own natives may call for. He may and does certify to the signatures of all public officers of the country to which he is sent, to give them a lawful currency in his own.

3dly. A foreign minister or consul exercising such power in France, is transgressing against the sovereignty of the nation; the laws requiring that all instruments of writing should originate or be recorded or deposited with two Notaries Public, the government drawing a duty upon the stamp, seal, and controul, this interference of any minister or consul can be viewed in no other light, than defrauding the government of its dues.

4thly. Briffault being a subject of France, did not pass a lawful power before Gouverneur Morris, who had only authority to *legalise* the powers passed before the Notaries; his transfer therefore was null and void.

5thly. It is null and void according to the laws of the United States, who acknowledge such foreign acts to be valid only as are drawn conformably to the laws of the country in which they originated.

6thly. The convention between the United States and France, relative to the powers to be exercised by their respective consuls, does not warrant this ministry.

To elucidate further this business it may be proper

to inform you, by what events my certificates are now in the possession of the Treasury.

I am informed that Briffault made a *private sale* of the said certificates to Lady Charlotte Jaquetine Francoise de Manneville, widow Colbert Maulevrier, whose son, Monsieur de Colbert, now in this city, is claiming the amount from Robert Morris. Mr. Gouverneur Morris must have been sensible, that it was improper for him to pass the said bill of sale, and by an ingenious contrivance, has lent his aid, in contempt of his character, and in defiance of the laws of France, which forbade his interference with the municipal regulations, to receive and pass the power of a French subject, notoriously contravening those rules wisely established to prevent undue abuses, fraud and collusion: making himself moreover instrumental in depriving me of the dear earned fruits of my services in America.

The money paid by the board to Robert Morris, remains still in his hands; as I was advised to bring suit against him for the recovery, he refused to pay Monsieur de Colbert. His present situation precluding any hopes of a recovery on my part, it does not become me to pursue it any longer. If any hope remained, it must rest with the board of Treasury, to whom he has made himself liable by his bond of May 9th, 1793, as the papers he produced in his discharge, are unlawful in their nature.

I do therefore now inform you, that I do hold the board of Treasury liable for my certificates, and I do now claim payment for the same.

I beg you will give this subject the consideration it deserves: if any further explanation should be necessary, I shall always be ready to give it—but must entreat, that no unnecessary delay may take place, so as in case of a denial, I may make application to the Legislature of the Union.

*A True Copy from the Original.*

JN. BTE. VERDIER.

To JOHN STEELE, Esq. Comptroller  
of the Treasury of the United States.

[G.]

## TREASURY-DEPARTMENT,

*Comptroller's Office, April 5th, 1798.*

S I R,

I HAVE received your letter of the 2d instant. My letter of the 27th ultimo, contains the final decision of the Treasury upon your claim, and I regret that the circumstances of the case do not admit of one corresponding with your expectations.

I am Sir,

Very respectfully,

Your obedient servant,

JOHN STEELE,

*Comptroller of the Treasury.*

MR. VERDIER.

[H.]

Du répertoire des actes passés dans la Chancellerie du Consulat Français à Philadelphie, pendant l'année mil sept cent quatre vingt quatre, V. S. arrêté le trente-un Decembre de la même année par Barbe Marbois, Consul de France dans cette dite ville, a été extrait littéralement ce qui suit :

17 Juillet.—*Procuration en brevet par le sieur J. B. Verdier, Capitaine de la Legion d'Armand, au sieur Augustin Briffault, pour toucher de M. Legrand, banquier, à Paris, les arrerages de rentes de trois certificats donnes audit sieur Verdier par les Etats Unis dont les capitaux montent ensemble 2674 dolls. 17-90ths.*

Extrait et collationné par moi, Jean Bte. Porée, Chancelier du Consulat de la république Française à Philadelphie, état de Sensilvanie, Pouffigné,



sur le dit répertoire déposé dans la Chancellerie à Philadelphie, le vingt-sept Ventose, an sixième de la république, une et indivisible.

POREE.

Souffigné Philippe Joseph Létombe, Consul Général de la république Française près les Etat Unis, et Consul particulier, à Philadelphie, certifie à tous qu'il appartiendra, que Jean Bte. Porée, qui a signé l'extrait collationné de l'autrepart est Chancelier du Consulat, et que foi doit être ajoutée à sa signature tant en jugement que hors. En temoin de quoi j'ai delivré ces présentes aux quelles j'ai fait apposer le sceau du dit Consulat.

Philadelphie, le premier Floreal, l'an sixième de la dit république, une et indivisible.

LETOMBE.

[TRANSLATION.]

The following has been extracted, literally, from the Record of Acts passed in the Chancery of the French Consulate at Philadelphia, during the year 1784, (old stile) and agreed to on the 31st of December, in the same year, by Barbe Marbois, Consul of France, in the said city.

“ 17th July. An indented letter of attorney, given by the Sieur J. B. Verdier, captain in the legion D’Armand, to the Sieur Augustin Briffault, to receive of Mons. Legrand, banker in Paris, the arrearages of interest on three certificates given to the said Sieur Verdier, by the United States, the principal sums of which, altogether amount to Dolls. 2,674 17-9ths.”

Extracted and collated by me, the undersigned Jean B. Porée, Chancellor of the Consulate of the French Republic at Philadelphia, in the State of

Pennsylvania, with the said Record, deposited in the Chancery.

Philadelphia, 27th Ventose, 6th year of the Republic, one and indivisible.

(Signed) POREE.

The undersigned Philip Joseph Letombe, Consul-General of the French Republic near the United States, and particular Consul at Philadelphia, certifies to all whom it may concern, that J. B. Porée, who has signed the foregoing collated extract, is Chancellor of the Consulate, and that full faith ought to be given to his signature, as well in courts of justice as elsewhere.

In witness whereof I have delivered these presents, to which I have affixed the seal of the said Consulate.

Philadelphia, 1st Floreal, 6th year of the Republic, one and indivisible.

(L. S.)

(Signed) LETOMBE.

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*Letter from Robert Morris, on the subject of the report of the Committee of Claims, on the petition of John Baptiste Verdier.*

28th April, 1800.

Referred to the Committee of the whole House, to whom is referred the said report.

Philadelphia, April 26th, 1800.

S I R,

**I**T would be an act of injustice to the officers of the Treasury, and to myself was I to suffer a report made



from the Committee of Claims, on the petition of John Baptiste Verdier, to pass unnoticed, beside that silence on the occasion might be considered as highly improper, when Congress, having in view to do justice, ought to be truly informed, that it may be known what justice requires. The only communication made to me upon this occasion is by Mr. Claypoole, in his Daily Advertiser of this day, wherein is printed, as part of the proceedings of the House of Representatives of the United States yesterday, what follows: "Mr. D. Foster, from the Committee of Claims, made a report on the petition of John Baptiste Verdier, who prayed compensation for three certificates of registered debt, which he alledged were erroneously paid to Robert Morris, Esq. who gave his bond to indemnify the United States against the claim of the petitioner. The Committee report as their opinion, that relief in this case ought to be granted; and to that effect submit a resolution, proposing that compensation should be made to the petitioner, and that an act should pass for that purpose." I cannot allow that the officers of the Treasury, committed an error in paying to me the amount of the certificates alluded to. Monsieur de Verdier, had entrusted his certificates to the care of a certain Monsieur Augustine Briffault, who sold these and three others of his own, (he having also been an officer in our service) to a lady in Paris, and that lady transmitted the whole to me, with a power of attorney duly authenticated, authorizing me, to receive and apply the money according to her instructions. When Monsieur Verdier, applied to me, my answer was that I could not know him in this business, I had received the money as the property of another person to whom I was accountable, he urged that Monsieur Briffault, had wrongfully sold his certificates without authority and had not accounted with him. He frequently repeated his applications to me, appeared much distressed, and as I knew him to have been an active and brave officer in the American service during the revolutionary war, my feelings were excited and I advanced him on loan, one hundred dollars, and con-

presented that he should commence a suit against me. Some time after this transaction, I was applied to by the Chevalier de Colbert, who claimed as heir to the purchaser the amount resulting from the whole of the certificates to him, I paid the amount of those about which there was no dispute, and referred him to Monsieur Verdier, to settle, which of them had the right to the others, they could not agree and the suit which was instituted against me in the supreme court of Pennsylvania, was finally decided against Monsieur Verdier, whilst it was pending (as I considered the share I had in this business to be of the nature of a trust) I gave a security for the amount of the disputed certificates, to which the successful claimant might, and no doubt will have recourse. Having thus stated facts, which I am ready to prove, I must in justice to those whose reputations have been affected by the terms of the report made from the Committee of Claims, without having had any communication with me on the subject, altho' it appears therein that I am a party, materially interested, request that this letter may under the sanction of the same authority have equal publicity with the report that has called it forth.

With great respect,

I have the honor to be,

S I R,

Your obedient humble servant,

ROBERT MORRIS.

*The Speaker of the House of Representatives of the United States.*











REPORT  
OF THE  
*Committee of Claims,*

TO WHOM WAS REFERRED,

ON THE 17th ULTIMO, THE PETITION OF MARY  
WOOSTER, RELICT OF THE LATE GENERAL  
DAVID WOOSTER.

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28th. April, 1800,

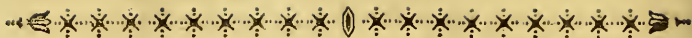
Committed to the Committee of the Whole House,  
to whom is committed the Report of the  
Committee of Claims on the petitions of  
Ann Elliot, and of Jane Lynch.

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[*Published by Order of the House of Representatives.*]

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# REPORT.

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*The Committee of Claims to whom was referred the petition of Mary Wooster, relict of the late General David Wooster*

## REPORT,

That this petitioner states “That General Wooster, at the commencement of the American revolution, was entitled to, and had long received the half pay of a captain in the service of Great Britain”—“That his patriotism and attachment to his country’s rights induced him, at the beginning of the late war, to renounce his half-pay and engage in the common cause, in which he fell, fighting for his country in 1777, for which sacrifices neither the said general Wooster, nor the petitioner, ever received any compensation from the United States.”—She “therefore prays that Congress would take into consideration the equitableness of this claim on her part, and grant her an indemnification for the loss of the general’s half-pay from the commencement of the war, to the time of his death, or otherwise render her that justice which may have been done to others in similar cases.”

On the investigation of the merits of this application, the committee are satisfied that General Wooster was a native of the state of Connecticut; that he settled and was resident at New-Haven in that state; and that, at

the commencement of the revolutionary war, he was, and for many years had been, in the receipt of half-pay, as a captain, upon the British peace establishment.—They find that at the commencement of the war he was appointed to the command of one of the regiments raised within the state of Connecticut, and that soon afterwards he was appointed by Congress a brigadier-general in the service of the then United Colonies;—which appointment he accepted—It was a necessary consequence that he should relinquish his half-pay as a captain—in lieu of which he was placed on full pay as a brigadier-general upon the American establishment, and continued in the receipt of such full pay, with the emoluments attached to the office, till the time of his death, which happened on the second day of May, in the year one thousand seven hundred and seventy seven, by reason of a wound received in an engagement with the enemy on the twenty-seventh day of the preceding month.

It is understood that at the time of his death General Wooster was sixty-six years old.

The committee further find that by an act of Congress, passed on the fourth day of May, in the year one thousand seven hundred and eighty-five, it was “recommended to the state of Connecticut to settle with and pay the widow of the late brigadier-general David Wooster, the seven year’s half-pay of a brigadier-general, the amount whereof they were authorized to charge to the United States.”

The state of Connecticut did settle the said allowance of seven year’s half-pay with the petitioner, accordingly, and charged the same to the United States.

A land warrant, for eight hundred acres of military bounty lands, being the quantity to which they were entitled in consequence of his having been killed by the enemy, was issued to the heirs of General Wooster.

It is believed that there never was any general provision for granting seven years half pay to the widows

of officers who were killed at so early a period of the war and that there were but few, if any other, instances of this bounty being extended to individuals, as in the case of Mrs. Wooster.—The loss of half-pay was very probably urged, and might have operated as a reason why the special grant abovementioned should be made to her.

Upon a due consideration of the case the committee are of opinion that the United States are under no obligations to make further provision for the petitioner, and therefore report that she should have leave to withdraw her petition.

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# REPORT

OF THE

*Committee of Claims,*

TO WHOM WAS REFERRED,

ON THE 27th OF MARCH LAST, THE MEMORIAL  
OF CHARLES PETTIT, TOGETHER WITH  
THE REPORT OF THE

SECRETARY OF THE TREASURY.  
THEREON.

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29th. April, 1800.

Committed to a Committee of the Whole  
House, on Thursday Next.

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[*Published by Order of the House of Representatives.*]

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R. B. COLE  
MEMORIAL

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# R E P O R T.

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*The Committee of Claims to whom were referred the Petition of Charles Pettit, and the Report of the Secretary of the Treasury thereon, respectfully submit as their opinion, that the reasoning of the Secretary is well founded and conclusive and that it would be proper for Congress to agree to the said Report.*

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The Secretary of the Treasury, to whom was referred, by order of the House of Representatives, on the 8th day of January, 1796, the memorial of Charles Pettit surviving partner of Major General Green and John Cox, in the late office of Quarter Master General, respectfully submits the following,

## R E P O R T—

The memorialist after having fully stated the grounds of his application to Congress, requests,

1st. That the proper officers may be directed to add to the credit of the account of General Green as Quarter Master General, a commission of one per centum on such further sums as shall appear to be just and reasonable, on the best estimate that can reason-

ably be formed of disbursements in the Quarter Master department, yet unascertained.

2d. That the balance thus found in favour of the Department be paid to the memorialist, who alledges himself to be duly authorized to receive it, by contracts and agreements formed in the life time of his late colleagues and still remaining in force.

And 3d. That thereupon the account of the said late Quarter Master General and his assistants be finally settled and discharged.

The following prefatory statement appears necessary to a right understanding and just decision on the claim under consideration.

On the 2d of March, 1778, Congress adopted the following Resolutions, viz.

“ A letter of February 25th from the Committee  
“ at Camp, was read, proposing a new arrangement  
“ of the Quarter Master General’s department, and  
“ recommending persons to execute the business of the  
“ said department.”

“ Congress taking into consideration the arrange-  
“ ment proposed by the Committee,”

“ Resolved, that that the same be adopted instead  
“ of that agreed to on the the 5th of February, and  
“ that there be one Quarter Master General, and two  
“ Assistant Quarter Masters General.”

“ That these three be allowed for their trouble and  
“ expense one per cent upon the monies issued in the  
“ Department, to be divided as they shall agree, and  
“ including an addition to the pay of the Waggon  
“ Master General and his deputy.

“ That Major General Green be appointed Quarter  
“ Master General.”

“ That John Cox, and Charles Pettit, Esquires, be  
“ appointed Assistant Quarter Masters General.”

“ That the Forage Masters, Waggon Masters, and  
“ other officers in the department, be in the ap-

“pointment of the Quarter Master General, who is  
“to be responsible for their conduct.”

As the memorialist has founded his claim principally upon the stipulations of the Committee of Congress mentioned in the preceding resolutions, the Secretary has judged it important to obtain a copy of the letter therein referred to, dated February 25th 1778. No record of this letter exists in any of the public offices; a document without signature or date, has however been found in the office of the Secretary of State, which is believed to be the rough draught of the letter to the President of Congress, a copy of which marked A. will accompany this report.

As evidence of the estimate formed by the committee, of the amount of the proposed compensation of one per centum on the expenditures, the memorialist has exhibited a certificate signed by G. Morris and J. Reed, two of the members of said committee; in the following words :

“ We the subscribers certify that in adjusting with  
“ general Greene and col. Cox, the terms on which  
“ the Quarter-master-general’s department was to be  
“ undertaken, and which was afterwards adjusted at  
“ one per cent. on the expenditures, those expenditures  
“ were estimated to be about four millions of dollars  
“ annually, by the committee.”

(Signed)

“ G. MORRIS.

“ J. REED.”

On the 17th of November, 1778, Congress adopted the following resolution.

“ Resolved, that the President of the state of South-  
“ Carolina be informed, that the resolution of Congress  
“ of September 16th, 1776, relative to appointments  
“ extends only to the appointment of regimental offi-  
“ cers, and not to officers on the general staff.”

“ Congress proceeded to the election of a deputy  
“ Adjutant-general and deputy Quarter-master-general

“ for the troops in the southern department, and the  
 “ ballots being taken,

“ Captain Edmund Hyrne was elected deputy Ad-  
 “ jutant-general, and Stephen Drayton was elected de-  
 “ puty Quarter-master-general in the southern depart-  
 “ ment, they having been previously nominated by the  
 “ delegates of South-Carolina.”

From the above recited resolution of Congress ap-  
 pointing a deputy Quarter-master-general, it may be  
 inferred that the country south of Virginia was intend-  
 ed to form a distinct department, to which the arrange-  
 ments of the 2d of March, 1778, were not to extend;  
 especially, as it appears in corroboration of this infer-  
 ence, that the officers of the Quarter-master depart-  
 ment in the southern district, were generally appoint-  
 ed by the commander of the army or by the executive  
 authority of the states, by whom they were furnished  
 with supplies of money.

The arrangements of March 2d, 1778, continued in  
 force until July 15th, 1780, when a new system for re-  
 gulating the Quarter-master department was established  
 by Congress. On the 26th of July, 1780, general Green  
 resigned the office of Quarter-master-general, and on  
 the 5th of August following his successor was appoint-  
 ed. The period of service for which compensation is  
 claimed by the memorialist is two years and five  
 months.

It being true as alledged by the memorialist, that  
 during the years 1779 and 1780, a considerable pro-  
 portion of the expences of the Quarter-master depart-  
 ment were liquidated by issuing certificates, it is neces-  
 sary to review the regulations of Congress on that sub-  
 ject.

On the 5th of March, 1779, the Quarter-master-ge-  
 neral and his deputies were authorized to pay all certi-  
 ficates for Quarter-master supplies, issued by officers  
 of the army, of the authenticity whereof, they should



be satisfied; and it was at the same time declared, that no certificate which had then been issued should be valid unless the same should be presented within six months from the date of the resolution; and that certificates thereafter to be issued, should not be valid unless presented within three months from the date thereof. Further regulations were at the same time established, which were calculated to subject all the disbursements of the department to the controul of the Quarter-master general.

On the 26th of May, 1780, Congress authorized the Legislatures of the several states to empower the Collectors of the continental taxes to receive the notes or certificates issued in the Quarter-master department, in payment of any requisitions prior to the 1st of March, 1780: at the same time provision was made for holding the persons issuing certificates responsible therefor, by directing returns to be made to the Quarter-master-general.

On the 26th of August 1780, Congress resolved, that Major-general Green, late Quarter-master-general should render an account to the board of Treasury, of the amount of monies due on certificates or otherwise, on public account, specifying the sum due in each state, in order that warrants might issue in his favour on the Treasurers of such states, for payment of the same, out of the monies to be collected for the United States. It was at the same time recommended to the states to provide that the said certificates of the Quarter-master-general, and those who purchased under him, should be received in payment of taxes, to the amount of the warrants issued, under proper regulations for preventing fraud.

It is inferred from the before-mentioned regulations, that although the labour of the officers of the Quarter-master department, was increased by the issuing of certificates in consequence of the wants of the public trea-

fury, yet that the said regulations were well calculated to enable the principal officers of the department, to ascertain the amount of the disbursements, and that if any uncertainty remains respecting the sum upon which their commissions ought to be computed, such uncertainty can only be attributed to a defective execution of the system established by Congress.

The memorialist claims that he is entitled to a commission of one per centum on all the disbursements of the Quarter-master department, during the time general Green was Quarter-master-general, whether liquidated in money or certificates, or by persons appointed by and accountable to the Quarter-master-general, or otherwise—that he and his late colleagues were encouraged to expect a commission on the sum of four millions of dollars annually—and that the sums expended in the southern department, added to the expenditures by states, and by individuals of whom no accounts have been obtained, would with the sums already ascertained, equal that amount.

On the ground however, of the trouble and uncertainty which would attend an attempt to ascertain the precise amount of all these expenditures, the memorialist has suggested the estimate of the committee of Congress as affording a reasonable rule of computation, which at the rate of 40,000 dollars per annum, or one per centum upon an annual expenditure of four millions of dollars computed for the period of two years and five months, would amount to Dollars, 96,666.66.

The secretary finds that the business of the department was conducted and the accounts kept in the name of the Quarter-master-general, that the accounts of the Quarter-master-general were rendered to and adjusted by Jonathan Burrall, Esq. late commissioner for the Quarter-master-department—that the accounts of the greater part of the deputies have also been adjusted—that others are still depending in the office of the Au-

ditor of the Treasury, and that in some instances, though to no considerable amount, advances have been made for which no accounts have been rendered.

The following credits have been allowed on account of the compensation of the Quarter-master-general and his assistants.

Commissions at one per centum, on the specie value of dols. 85,608,573 $\frac{7}{100}$ ; in old emissions, received and issued by the Quarter-master-general, ascertained at,	Dols. 61,612.00
—on the value of dols. 8,141,777 $\frac{16}{100}$ ; received by deputy Quarter-masters of the states of Massachusetts, Connecticut and Virginia and accounted for by said deputies,	1,083.56
—on certificates issued by deputies in lieu of money, ascertained from their returns and accounts as settled,	2,652.63
—on certificates issued by deputies whose accounts had not been settled in 1789, founded in part on their returns, and on the returns of the commissioners appointed to liquidate such certificates,	7,602.04
—on expenditures in specie and bills of the new emissions,	25.81
Amounting in the whole to	<u>Dols. 72,976.24</u>

It appears that the Quarter-master-general and his assistants retained of the public monies which passed through their hands, the sum of Dollars, 1,697,601 $\frac{87}{100}$ , which was charged to them on account of their compensation, the value of which computed at various dates, by the

commissioner was found equal in specie	
to,	Dols. 64,454.0
And that the memorialist retained in his	
hands a balance in specie arising from	
bills of exchange sold by him, on ac-	
count of the United States, the sum	
of,	8,612.2
Amounting in the whole to	Dols. <u>73,066.2</u>

A balance of expenditures in specie was however, credited by the commissioner amounting to dols.  $2,800\frac{8}{9}$  leaving on the whole account a balance due to the Quarter-master-general and his assistants of dollars  $2,710\frac{7}{9}$ .

The whole of the accounts of the Quarter-master general were stated by the commissioner, and entered in the books of his office as having been finally settled except the credit above-mentioned, for dols.  $7,602\frac{4}{9}$  which was founded partly on estimate, the accounts of the deputies not having been in all instances rendered and except the debit of dollars,  $8,612\frac{2}{9}$ , for the proceeds of certain bills of exchange.—As this sum was a voluntary credit exhibited by the memorialist, the omission of the commissioner to hold him accountable by a charge in the public books, may be attributed to a doubt which then existed respecting the legality of the appropriation.

The secretary has deduced the following inferences from the facts before stated, which are respectfully submitted to the consideration of the House of Representatives.

1st. That neither the resolutions of Congress passed on the 2d of March 1778, nor the paper exhibited as a copy of the letter of the committee of Congress, dated February 25th, 1778, nor the certificate herein before recited, signed by G. Morris and J. Reed, esquires,



two of the members of said committee, support the claim of the memorialist for a commission on sums expended by states, or by individuals not appointed by and accountable to general Green late Quarter-master-general.

2d. That the regulations adopted by Congress subsequent to the 2d of March 1778, were well calculated to subject the expenditures of the Quarter-master department to the control of the Quarter-master-general, and that nothing contained in the original contract for compensation, or in the said regulations, can justly render the United States responsible for a commission on sums expended or certified by deputy Quarter-masters and not included in their accounts as rendered to the late Quarter-master-general.

3d. That a sum of old emissions exceeding one per centum upon all expenditures in old emissions, was retained by the late Quarter-master-general and his assistants on account of their compensation, and that the value of this sum, with an amount retained in specie, was equal to one per centum on the value of all expenditures, which had been ascertained at the time of settlement.—And,

4th. That it is therefore, inexpedient for the Legislature to pass a law directing the mode of settlement as requested by the memorialist.

As the claim is for a sum of considerable importance, the secretary deems it proper to transmit herewith, two papers marked B and C, containing the arguments by which the memorialist supports his demand, with the view that Congress may thereby be better enabled to decide as justice shall appear to require.

All which is most respectfully

submitted by

OLIVER WOLCOTT,

Secretary of the Treasury.

Treasury Department, }  
 March 26th, 1800. }



SIR,

Agreeable to a promise made in our letter of yesterday we have in concert with the general, completed the arrangement of the quarter-master-general's department, which now only waits for the fiat of congress. By your resolutions of the fifth instant we find that it is the intention of congress to divide the quarter-master's department into four capital branches.

The quarter-master properly so called, the commissary of forage, the commissary of horses, &c. and the agent of purchases &c. Permit us to represent that so many independent officers without a controuling chief must necessarily involve interference with each other, infinite confusion and a variety of controversies, which must be terminated by the commander in chief; or in other words that the general must be what he has been during the last campaign, the quarter-master-general of the army. Besides this we have to observe further that each of these officers must necessarily be empowered to draw for public money, and of consequence that the chance of frauds and amount of expenditures will be greatly increased by so many separate departments. Add to this, that when any abuses, and more particularly when any deficiencies shall be felt, it will be easy for these gentlemen to shift the blame from one to the other, rendering it impracticable to detect either ignorance, indolence or iniquity. Many additional reasons might be adduced to shew how dangerous such an experiment may prove: but the wisdom of congress will doubtless supply them, and upon reconsidering this business in all its connections and dependencies, see a propriety in placing this very executive department under one controuling superintending power, whose activity and influence may regulate, pervade and animate the whole system.

Let us now, Sir, cast one glance upon the administration of affairs heretofore: we mean not to censure or commend, but it is our duty to inform. We hesitate not to say that the abuses which have crept in, are such that no finances could support a system like the present. Men without morals, without character, and without property, have been and are entrusted with the disposition of public money and of private property. The number of deputies and deputy's assistants is sufficient almost to form an army, and does form a kind of army, not indeed to act against the enemies, but against the friends of America, to sour the minds of the people and exhaust the resources of the country, and not only is the expense almost infinite; the neglect is as great perhaps as fatal. This may appear to be the language of exaggeration; but whatever ideas arise from a view of the general complexion, they fall much short, when we examine some particular features. We are told, Sir, that in some capital purchases the enormous commission of five per cent. hath been allowed. We know that the public pay two and an half per cent. upon every ounce of forage consumed by their army. We fear the public teams have been employed at the public expence, to transport private property from distant states: public property has therein neglected, while our army has been left to suffer for want of the usual camp transportation. It need not be again repeated, that at this moment not a horse, waggon, tent or intrenching tool is purchased for the next campaign; and every gentleman who rides through the country will see it strewed with public stores perishing from neglect.

Such being the melanchol; situation to which we have been reduced, it hath become indispensibly necessary to call forth characters of known and appro-

ved abilities, to introduce a thorough reform and make the necessary provision for the ensuing campaign. General Schuyler appeared to your committee best adapted to those purposes; but lest he should not be approved, we have cast our eyes upon other persons. It might well have been supposed that on this occasion we were not inattentive to the merit which it is said Baron de Steuben possesses. If it were practicable to divide this department, without great injury to the public cause, and if that gentleman really possesses the necessary qualifications, we cannot but think there would be a manifest impropriety in trusting a foreigner, for whose attachment we have at best but a very slender security, with a power to accelerate, impede or obstruct at his pleasure every movement of the army, and to dispose of large sums of money in such manner, and for such purposes as he may think proper (for large sums he must have the disposal of, though it be only to defray what is called *petty expences* of an army; such expences amounting annually to a very considerable expenditure under the name of *contingencies*.) Young men, Sir, fired with a love of glory, may indeed seek honour at the hazard of life, in our American wildernesses; but men who make a trade of war are seldom animated by or act upon these enthusiastic principles: neither can their education, their profession or the form of government they have lived under inspire such veneration for the rights of mankind, as will lead to a conduct purely disinterested. With respect to these gentlemen therefore it must be evident that they are either *sent* hither for the particular purposes of those by whom they are *sent*, or they *come* hither for particular purposes of their *own*. If the former of these be the real motive, it is unwise to trust them too far; because it is not always possible to discover the sender, or even then what are *his*

intentions. If on the contrary, they come from the latter motive, they come to make a fortune, and they will make a fortune at the expence of their employers, and having made it, they will at an enormous exchange send their money to europe, or at an enormous price make purchases of land here ; and in either case, go hence and wait with indifference the close of the contest. Instances of this kind may now be found.

We proceed now to state the arrangement which we propose to make, premising that it is upon the characters of men principally, and not upon paper systems, that our success must depend. We propose, Sir, to have a quarter master general, and two assistant quarter masters general appointed by congress, and that these three be allowed for their trouble and expence one per cent. upon the monies issued in the department, to be divided as they shall agree and including an addition to the salaries of the waggon master general and his deputy, which is absolutely necessary. The gentlemen we have in view are, general Green, colonel Cox and Charles Petit, Esquire ; the two former of which consent to undertake the department upon those terms, and upon those only. The latter we have reason to believe will not object. The arrangement among them is as follows, that general Green as quarter master general, shall perform the military duty, attend to all the issues, and direct the purchases ; that colonel Coxe, (who we will venture to say is perhaps the best qualified for that purpose, of any other man) shall make all purchases, examine all stores and the like, which his knowledge of the country and of business will enable him to do with advantage to the public ; and that Mr. Petit, shall attend to the keeping of accounts, and of cash which is not, as heretofore, to be entrusted to any deputy. A perfect harmony and good understanding among



these gentlemen will, we apprehend, render it unnecessary by any resolutions to mark out the bounds of their several departments which at best would be attended with no good effects, and in all human probability would leave something to be done, which it would be no body's business to do. Forage masters, waggon masters, &c. must of necessity be in the appointment of the quarter master general, who is, or at least ought to be responsible for their conduct as forming a part of the general system. Great abuses have already prevailed from the multiplying such offices of which we shall say no more at present, it being a task at once tedious and disagreeable.

We have had great difficulty in prevailing with these gentlemen to undertake the business. They object the advanced season, the confusion of the department, the depreciation of our money, and exhausted state of our resources, as rendering it almost impracticable to do that essential service, which they conceive their duty to require of them; besides which, each has private reasons of his own: general Green was very unwilling to enter into this large field of business, which though it will not, and indeed ought not to exclude him from his rank in the line, will of necessity prevent him from doing the active duty of a general officer. Colonel Cox, whose private business is known to be very lucrative, was unwilling to quit it and break off engagements, which he hath largely entered into for the manufacturing of salt, iron and the like, and to accept a compensation much short of it, for doing public business, to a much larger amount, and with increased labour. Mr. Petit now Secretary to the state of New-Jersey, an office which will make genteel as well as permanent provision for his family, cannot be expected to quit it without adequate compensation. In short, Sir, we are confident that nothing but a thorough conviction of the abso-



lute necessity of straining every nerve in the service could have brought these gentlemen into office upon *any* terms.

To give a commission upon public monies is doubtless a temptation to the officer to speculate, and should in general be avoided. In the present instance, however, the general position we believe admits of exception. Every man has his price in a good sense, that is to say, no man will undertake great labour without the prospect of some proportionate gain, and whatever fair promises people may make, every one will have his price, at which he estimates his labours, either by right or by wrong. To pay such price in a round sum as a salary to the office, would in one point of view be preferable, but would produce most dangerous effects in the army. Upon raising the salary of one officer, every other will expect a similar increase, and when once this mode is begun, no one can tell where it will end, unless indeed in public bankruptcy. It is true that a commission is a temptation to enhance the price of articles purchased, and it is possible enough, that this temptation will have its effect: let us then suppose a quarter master general inclined to defraud the public of a thousand dollars; would he do it by giving two hundred thousand for that which might be purchased for one, thereby giving an alarm, or would he charge the public with the loss of articles in his department, to that amount, or the like, for which a thousand opportunities would daily present themselves, without the possibility of detection.

The fact is, that in this particular department, if those at the head of it, are not honest and vigilant, the public may, nay must be defrauded of immense sums, by an infinity of ways, in spite of every check which the ingenuity of man can devise, and of all the means of defrauding, the swelling of commissions by

by greater expenditures, is the most liable to detection and produces the worst consequences to the offending party himself. There is therefore no possibility of obviating speculation, but by drawing forth men of property, morals and character. These are the only solid basis of security, and if such men watch each other, which would be the case according to our proposed system, we have all the precautions of which the nature of the office will admit. The commission of  $2\frac{1}{2}$  per cent. now paid upon forage alone, will we believe exceed the whole allowance of this new establishment. There will be a saving then even here, but that from which we hope most, is the sagacity and knowledge of business, which these gentlemen possess, and which will provide that we are not destroyed by the insects of the office.

Upon the whole we must submit this business to congress who are alone competent to a final determination. If they conceive our plan and the persons we have named to be proper, they will confirm it, and if not, we have to intreat that they will lose no time in adopting such men and measures as shall appear more adequate to the objects we have in view.

The delays of the committee have arisen from the necessity of consulting the gentlemen, prevailing upon them to accept, and knowing their terms; to trouble you, sir, with the whole of this detail would be tedious and useless; but we beg leave to assure you, that not a moment hath been spent unnecessarily. As we are under the necessity to look through the widest circle of Acquaintance and character, to find some of those very few men, who are capable of filling such important offices; and it is with pleasure we add that in the opinion of your committee their researches have not been made in vain.

Nothing further remains, but to express to congress our anxious wishes, that their resolution may be

speedy. Every other preparation for a vigorous and decisive campaign will be ineffectual and vain, if this great department remains much longer unfilled by suitable characters, and we hope to be favoured with their determination by an immediate express.

We have the honor, &c.

P. S. We had almost forgot to add the necessity of immediately calling for a state of the preparations for the next campaign in the Quarter Master's Department, specifying what articles are in readiness, when engaged, where deposited and in what quantities. Let the arrangement be what it may, such a return is indispensibly necessary, to enable the gentlemen mentioned above, or any others who may be appointed to proceed without farther loss of time.

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While the above dispatch was preparing the enemy with their whole horse, and a large body of foot came out, the latter halted about 10 miles from the city, on the other side the Schuylkill, while their horse proceeded 15 miles further up, passing several waggons with pork, on their way to camp, of which they took no notice, but pressed on to a drove of cattle on their way from Connecticut, which they have carried into town with them, together with about 31 militia men, whose times were out and were returning home without arms. The nakedness of the troops, and difficulty of subsisting them on the East side of the Schuylkill, together with the reduced condition of our cavalry prevents the army from covering that country as could be wished, and is a subject of serious concern to every one, who duly reflects upon the advantageous consequences of it to the enemy in every point of view.

We understand (\* ) have without any permission from head quarters passed this, on their way to Winchester: We beg leave to submit to Congress how far such freedoms ought to pass unnoticed, and whether it will not be advisable to prevent their returning. We have been much surprized lately to find that the resolution of Congress, passed last October, empowering a court martial to try persons other than of the army, who shall be found carrying on an intercourse with the enemy, will not reach those villains, who come out to kidnap and deliver to the enemy the active friends of their Country. There are a number of those offenders now in custody, who must either escape with impunity (the court martial having declined passing on them) or they must be executed by the special authority of the general, an authority which he will not exercise but in cases of the last necessity. We submit to Congress, whether it is not necessary to revive the above resolution, and also to give some direction about these criminals, whose discharge will greatly dishearten our friends, and give just cause of alarm and discontent to the faithful adherents of these States. Besides the great encouragement to these practices, if no punishment can be devised for those now in our hands, we fear it will bring any further resolution of Congress on this subject into contempt, and in a great degree countenance the dangerous intercourse carried on between the city and the disaffected of the country.

*Department of State, ff.*

I Timothy Pickering, Secretary for the Department of State of the United States of America, hereby certify, That the preceding writing is faithfully copied from a document found on file in the office of the said Department of State, among the papers of the Congress of the United States, under the late

\* The names here inserted were erased by Oliver Wolcott.



form of government, in a bundle endorsed, “*Reports of Committees on Quarter Master General Department* ;” that the said document is without signature or date, and contains several erasures and interlineations, being apparently a rough draft of a letter to the President of Congress ; that I have caused diligent search to be made for another copy of the same document, of a more authentic form, but none has been found.

IN WITNESS whereof I have hereto set my hand, and official seal, at Philadelphia, (L.S.) this seventeenth day of December, A. D. 1798, and in the twenty third year of the Independence of the said States.

TIMOTHY PICKERING.



## B

*Heads of Observations respectfully submitted.*

Those who were conversant in the business of the American revolution in the early stages of it, will recollect that the great degree of unsuspecting confidence, which possessed the minds of the people who were favourers of it, respecting the measures of Congress, was the principal source of the energy of public measures. The strict rules of legal precision in forming contracts between the public and individuals, were overshadowed by the enthusiasm of patriotism and zeal to establish in congress the power of performing at a future period, what they could then only promise or suggest as proper concerning compensations and rewards for public services. The mere recommendation of Congress were regarded as laws of primary obligation, and no doubt was admitted of the equitable and liberal fulfilment of all the engagements they made, and of the expectations they gave, on the final success of the revolution.

Under a considerable degree of this zeal and confidence, the memorialist and his colleagues undertook the exercise of the office of quarter-master-general. The verbal assurance of a committee of Congress was relied upon instead of a more formal contract; and when confirmed by the approbation of Congress, farther formality was not deemed necessary. It was not doubted but that the terms of the contract were reported to Congress, and would be preserved among their records or documents.

The resolutions recorded on the occasion refer to such a report; but as that report is not now found, the memorialist begs leave to offer very briefly a few observations tending to shew at least a high degree of probability that it contained a statement of the terms agreeing in substance with the contract set forth in the memorial of the 21st. of December 1795.

1st. "Congress taking into consideration the arrangement proposed by the committee." And as the arrangement had been matter of negotiation and contract, it is highly probable that the terms agreed upon were stated.

Journals  
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2d. March:  
1778.

2nd. "Resolved that the same be adopted, instead of that agreed on the 5th. of February."

"That there be one Quarter Master General, and two Assistant Quarter Masters General. That these three be allowed for their trouble *and expence* one per cent upon the monies issued in the department, to be divided as they shall agree." &c.

That this resolution must have been intended to have as broad a signification as is contended for in the memorial, seems evident from many circumstances: the following may be sufficient for demonstration.

1st. The smallness of the commission pro rata: far below the usual rate for either public or private business accompanied with either trouble or risque beyond the merely receiving and paying of money in large sums.

2nd. To be divided amongst three persons bearing their own expences. whose whole time and services were deemed neces-

fary to the business ; who were selected, not from the lowest walks in life, but called from profitable establishments, and placed in an ostensible situation which necessarily subjected them to more than ordinary expenses in their public capacity ; each of them having, besides, a separate family, accustomed to decent appearances, to maintain and educate ; and precluded by the public duties required of them, from all private business for separate emolument, and also, in a great measure, from attention to the economy of their families, and partaking of their comforts and their cares.

3. The certificate of the committee of Congress that the terms were adjusted on an estimate that commissions would be drawn on about four millions of dollars annually. This certificate was cotemporary with the formation of the contract or within a few days of it. The estimate had been recently made by the committee in conjunction or concert with the commander in chief. That the sum was understood and intended to mean specie value seems perfectly clear. The experience of the first year agreed more nearly than is usual in such cases with the amount of the estimate in specie value. And though paper money appreciated rather than depreciated for some time after the estimate, more than double the nominal amount in paper was issued to the department by order of Congress in the first few months, and before the average rate of depreciation had exceeded the rate at which it stood when the estimate was formed. Surely this would not have been done if the estimate of four milli-

ons for the whole year had not been understood to mean specie value.

Whatever may have been the expectations of some people concerning the decline in value and final explosion of the old emission money ; the state of the war in the southern states and many other distressing circumstances which in 1779 and 1780 perplexed the affairs of the United States, deranged the departments and impelled much of the business belonging to those departments into irregular and improper channels, could not have been foreseen nor contemplated ; nor can it be imagined (without involving an idea too injurious to the honour of Congress to be admitted) that Congress could ever have contemplated, or would have admitted the infraction of a contract with any of the public servants to be founded on, or to arise from any of these fortuitous circumstances.

If the quarter-master-general and assistants were to be confined to this small commission on the monies issued directly from the treasury to them, the emolument after the first year, would have fallen short of their actual expences for the time ; and that of the third year taken separately would not equal the concurrent expence of a single family.

The idea of considering this as an *old claim*, according to the common acceptance of the phrase, appears to the memorialist so inapplicable to the circumstances of the case, that prudence forbids him to say all that his feelings would suggest on the intimation it implies ; which, as applied to him, he conceives to be not only unjust, but cruel. It



has given him more real pain than he can suppose could have been intended. His accounts of the administration of the department were prepared and tendered for examination at an early period: But as new matter continued to arise, to be added to them, from a variety of applications to him concerning unfinished business, as well as from the examination of the accounts and returns of the deputies and agents of the department, which for a long time after a successor was appointed he continued to collect, arrange and examine as far as his powers and abilities enabled him, and kept an office open for that purpose: and as the commissioner with whom he was to account had much other business before him which he thought it expedient previously to examine, the closing of the general account of the department was delayed by the commissioner's desire, under a promise on his part that he would give notice when he should be ready to take it up: in the mean time all such abstracts and documents as were required from time to time, were promptly furnished. The business was put forward as early as leave was given, which was not till the year 1789, when the commissioner closed the account, as far as it was capable of being closed, from the materials then within his reach; and certified at the foot of it, his opinion that more credits were still to be added, though he could not then ascertain them. No information in the power of the memorialist was, however, wanting, nor at any time withheld; nor is he aware of any farther debits to be ad-



ded to the account. The monies drawn out by the quarter-master-general and his assistants for their expences and other separate use, were not left to be charged at the close of the business as a resulting balance or deficiency in the cash account when the depreciation had rendered it of little value (except a part, arising chiefly from errors in clerkship and counting large nominal sums in detail, which was so far a loss to the accomptant) but entered regularly when drawn, and accounted for as of the value at those periods, and so calculated by the commissioner.

The principles on which the claim is founded seem to have been admitted by the commissioner, and acted upon by him as far as the materials came within his reach; but he could not go farther. At that time it was expected that an addition, such as is now asked, would be obtained from the state accounts which were expected to be collected; and the subject of such addition was then mentioned by the memorialist to the commissioner and conversed upon between them.

The rest of the delay is accounted for in the memorial, in a manner which the memorialist flattered himself would have saved him from the imputation of stirring up an old claim scarcely worthy of being rescued from oblivion.

On the whole, however, the following reasons strongly incline the memorialist to prefer the liquidation of the claim by taking the certificate of the committee of con-

gress as the rule, rather than resort to the other mode.

1<sup>st</sup>. The difficulty and delay that would unavoidably attend the selection of the articles to form the just amount from the numerous and voluminous papers and documents in which they are dispersed, and the doubt of such a selection being now practicable with any kind of certainty.

2<sup>ndly</sup>. Though he firmly believes that such selection, if practicable, would produce a larger sum than the other, yet as that excess, or part of it, has probably arisen from extraordinary circumstances which could not have been contemplated in forming the contract: and though these extraordinary circumstances and the irregularities thereby occasioned, increased his labours and difficulties; he believes that taking the estimate as the rule would come nearer to the intention of both parties at the time of forming the contract, and perhaps nearer to the true line of equity and justice, as well as afford more facility in arriving at a final settlement, which is a matter of very high consideration to the memorialist, who has already suffered so much by the delay that the common adage (though he avoids repeating it) frequently presents itself to his mind.

On this principle, the calculation would probably be as follows:

From the date of the appointment, the 2d of March 1778, to the appointment of a successor in August 1780, may be something more than two years and five months, though the greater part of the business of

three years took place within that time, and from the ordinary circumstances of the times involved the memorialist in labours and attentions consequent upon it for some years afterwards. But say, for three persons as before mentioned, supporting their own expences.

Dolls. Cts.

2 Years and 5 months, at 40,000 dls. per annum.	- - -	96,666 $\frac{60}{100}$
Deduct the credits stated by the commissioners, viz.		
Commissions at one per cent. on monies actually received from the treasury and distributed—reduced to specie value	- - -	61,612
— On some monies received from states & accounted for	-	1,083 56
— On certificates issued by deputies in lieu of money, so far as the commissioner could collect from documents then in his possession, as accounted for by the deputies	-	10,254 67
— On 750 dollars, new emissions		7 45
— On 1840 $\frac{61}{100}$ dis-		

burfed by C. P. in spe-  
cie - -

18 36

72,796 24

23,690 36

To this add the ba-  
lance stated by the  
commiffioner - -

2,710 76

Sum due in Auguft  
1780 - -  
Interft per calculation

26,401  $\frac{22}{98}$

*Arrangement of Facts relative to the subject of the Memorial of Charles Pettit, surviving partner of General Green and his associates in the office of Quarter-master-general, which are considered as established by the Documents and circumstances therein referred to, as evidence already in possession of the Secretary of the Treasury.*

Journals of Congress  
March 2  
1778.

In the appointment of the said Quarter Master General and his assistants, reference is made to a report of February 25, from a committee of Congress then at camp on the business of making arrangements for the army.

Certificate of Messrs. G. Morris, and J. Reed, members of the committee, viz. "We the subscribers certify, That in adjusting with General Greene and Col. Cox, the terms on which the Quarter Master general's department was to be undertaken, and which was afterwards

That this report was founded on a previous negotiation and agreement made between the said committee on the one part, and General Greene and his associates on the other part: and by way of inducement to the proposed Quarter Master General and his associates to accede to the said agreement, it was stated by the said committee that the commissions to be allowed to the said Quarter Master General and his associates as a compensation for their services and expenses, would amount to forty thousand dollars annually.

*adjusted at one per cent on the expenditures those expenditures were estimated to be about four millions of dollars annually by the committee."*  
Journals of Congress,  
March 2,  
1778.

That this agreement, or the substance of it, was known to Congress and adopted and confirmed by them is evident, as well from the particular manner in which the report of the committee is referred to and relied upon, as from the insertion of the condition that an additional pay to the Waggon Master General and his Deputy was included in the commissions allowed to the Quarter Master General and his associates; which would



not have been placed in the resolution if it had not been stated by the committee as part of the agreement.

Mr. Burrall's statement marked D called 'Commissions on general, Greene's account of disbursements reduced to specie. See Mr. Burrall's notes subjoined to the account current and to the statement, G.

That the estimate of the committee concerning the amount of the commissions was just, is verified by so much of the experience of the first year, as appears in the statement made by the commissioner, in which the depreciation is calculated monthly, in order to ascertain the specie amount on which he was to credit a commission.

The subsequent years of this account were not less expensive to the public, nor less burthensome and laborious to the Quarter Master General and his associates, though from causes too well known to require particular proof, a large proportion of the disbursements relating to this department passed thro' other channels, whereby a great part of the stipulated commission which became due thereon, yet remains to be accounted for to the said Quarter-master-general and his associates.

See the accounts stated and certified by Mr. Burrall, and the notes subjoined to them dated May 1, 1789.

That the said Quarter-master-general and his associates accounted for all the monies issued to them, to the satisfaction of the commissioner appointed to examine and settle their accounts: And that altho' a farther allowance of commissions remained to be placed to their credit, the balance, as the account then stood, appeared to be in their favour.

From the foregoing facts the following inferences seem to result.

1st. That the appointment of general Greene and his associates to the office of Quarter-master-general, was founded on a

contract previously made with them by the committee of Congress.

2d. That this contract was adjusted and formed on mutual stipulations of duties to be undertaken on the one part, and of a valuable consideration by way of compensation for such undertaking on the other part.

3d. That this compensation was to arise from an allowance of commissions to be drawn on certain designated expenditures at the rate of one per cent.

4th. That in order to ascertain to the proposed Quarter-master-general and his associates that this rate of commission would produce an adequate compensation to induce them to relinquish other pursuits, and to undertake the performance of the duties proposed to them, it was stated by the said committee that the said rate of commissions was estimated to produce to them forty thousand dollars annually or thereabout.

5th. That confiding in the fidelity of the said statement, and in the honour of the committee, the contract was agreed to by the said Quarter-master-general and his associates, and the performance on their part undertaken and pursued with alacrity and perseverance.

6th. That altho' from the circumstances of the treasury, and from the course of depreciation, the monies issued to the department began early in 1779, to fall short of the sums necessarily required to be issued through that channel, and continued to diminish more and more till the supplies fell to a very small proportion of either the requisite or the stipulated amount ; yet the quarter-master-gene-

ral and his associates, confiding in the faith of the contract, and that a fair and honorable settlement would ultimately be made with them, did not withdraw from the service, nor abate their endeavours to face and obviate difficulties, however laborious and unpleasant under such circumstances, till Congress thought proper, by a new arrangement, to change the system of organization of the Department.



# REPORT

OF THE

COMMITTEE

OF

## WAYS AND MEANS,

ON THE SUBJECT OF FURTHER REVENUE.

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30th. April, 1800.

Committed to a Committee of the Whole  
House, on Monday Next.

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*[Published by Order of the House of Representatives.]*

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# REPORT

The Commission has the honor to acknowledge the receipt of your report of the 15th inst. and to inform you that it has been forwarded to the proper authorities for their consideration. The Commission is also pleased to learn that you have been successful in your efforts to secure the necessary information for the purpose of the report. The Commission is confident that the report will be of great value to the Government and to the public.

## APPENDIX

The Commission has the honor to acknowledge the receipt of your report of the 15th inst. and to inform you that it has been forwarded to the proper authorities for their consideration. The Commission is also pleased to learn that you have been successful in your efforts to secure the necessary information for the purpose of the report. The Commission is confident that the report will be of great value to the Government and to the public.





# R E P O R T.

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*The Committee of Ways and Means, having, in a former report, wherein they recommended a loan of three millions and an half for the service of the present year, adverted to the propriety of providing permanent revenues, equal to the interest of the debt to be incurred, and to the gradual and timely extinguishment of the principal, now beg leave to call the attention of the House, again to that important subject ; on which they submit the following*

## REPORT :

The first point which presented itself for the consideration of the committee, in examining this subject, was, “ the amount to which it would be proper to establish additional revenue at this time. This must depend on the present and future increase of permanent expenditure, compared with the probable amount of permanent revenue, from existing taxes.

When Congress, in the year 1798, was compelled, by the continued aggressions of a foreign power, to commence active and extensive preparations for defence, by sea and land, the ordinary expenditure of the government, including the interest of the public debt, the payment on account of the principal, and an adequate allowance for occasional grants and incidental expences, was something less than seven millions of dollars. No increase, of any consequence, has been made

in this expenditure, since that time ; except what was occasioned by the interest of the debt, which the measures necessary for the defence of the country, forced Congress to contract. As this debt amounts to five millions, at 8 per cent. the increase on that account, is 400,000 dollars.

The continuation of those measures, for some time longer, having rendered it necessary, in the opinion of the House, to contract a further debt of three millions and half, for the present year, that measure, if ultimately adopted, and carried into effect on the same terms with the former, which may perhaps be found unavoidable, will induce a further increase of 280,000 dollars, in the ordinary expenditure of the government ; making, in the whole, an increase of 680,000 dollars for the interest of new loans.

It is known that at the beginning of next year, a further addition of about 1,200,000 dollars must be made to the ordinary expenditure, for the interest and extinguishing annuity of the deferred debt ; and that in 1802, the payments on the foreign debt, will be larger, by one million, than in the present year. In 1803 and 1804, those payments will be increased, to two millions beyond their present amount : but after that period they will gradually diminish ; and in 1809, they will finally cease, by the extinguishment of the debt.

The committee however, though they have thought it useful to extend their view to this more remote increase of expenditure, are of opinion, that it is not necessary for Congress to make provision now, on that subject. No part of this increase will take place till two years hence ; and before that period arrives, Congress will have a better view of the political and financial situation of the country than at present, and will be better able to judge respecting the means of meeting the exigency. But yet, the certainty of this future increase, proves the necessity of providing as far as can

be conveniently done, for that which has already taken place, or must soon happen; so that the burden may be divided between different periods, and as little as possible may be left to be done hereafter.

Neither do the committee think it necessary, to make provision, during the present session, for the deferred debt. The political situation of the country is now far more uncertain, than, in all probability, it will be at the next meeting of Congress. Should it change for the better, as there is reason to hope, the augmentations now to be made, together with the increase of revenue which we may reasonably expect, from our present system, may be sufficient, with some small aids, for defraying this additional expence. If, on the contrary, our situation should remain the same, still we shall have more experience than we now possess, of the operation of our present system, and of the effect of the war on our commerce and our revenue. The preparatory arrangements, moreover, for an amelioration and enlargement of our system will then be completed, or in a much more advanced state than at present. We shall, consequently, be then in a better situation, than we now are, for judging whether a further augmentation will be necessary, to what extent it must be carried and how it may best be made.

It is only for the interest of the loans of the present and last years, therefore, and for a sum equal to the reimbursement of the principal, within a convenient time, that the committee would propose to make provision, during the present session of Congress.

That interest, at the highest calculation, will amount to 680,000 dollars. It is known that an extinguishing annuity, or a sinking fund, equal to two per cent on the principal of a debt, will, if steadily applied, extinguish it in about twenty-four years. This is the plan heretofore adopted by Congress, for the extinguishment of the six per cent stock; and the commit-



tee conceive that it may safely be adhered to, in all arrangements for a similar purpose: it appearing certain, that while adequate provision is made, for the punctual discharge, within so short a period, of every new engagement, there can be but little reason to apprehend a dangerous or inconvenient accumulation of debt.

This annuity of two per cent. on the loans of the last and present years, admitting the latter to be fixed at 3,500,000 dollars, will amount to 170,000 dollars; and, added to the amount of interest, will produce an aggregate expenditure of 850,000 dollars annually, for twenty-four years. As this annuity, however, by the terms of the former loan, which are likely to be found necessary in the present also, cannot, until the end of ten years, be applied to the discharge of this particular debt, it must be employed, should Congress think fit to raise it, in the purchase of the public debt in general, by way of sinking fund. The committee are of opinion, that every consideration of sound policy, and the best established principles of financial œconomy, are in favor of raising it.

At the period, above referred to, the summer of 1798, the government possessed a revenue of something more than eight millions of dollars; derived from the duties on imports and tonnage; the tax on domestic distilled spirits and stills, on retailers licenses, on refined sugar, on carriages, and on sales at auction; the postage of letters; dividends of bank stock belonging to the United States; and some other less considerable branches of revenue. As the ordinary expenditure, at that time, was less than seven millions, there was a balance of a million and upwards in favour of the treasury.

Had the revenue continued equally productive in the subsequent year, 1799, there would have been no need of further provision at this time; since the a-

bove mentioned balance would have been more than sufficient, to cover the increase of permanent expenditure. But that was not the case. The duties on imports and tonnage, which, in 1798, produced Dolls. 7,405,420, fell, in 1799, to dollars 6,437,886; a diminution of very nearly one million: and although the stamp duties, and perhaps the other branches of the internal revenue, were more productive in that year than in the former, yet that increase, amounting to only dollars 200,000, was far from sufficient to counterbalance the diminution in the imports and tonnage.

It is not, however, to be apprehended, in the opinion of the committee, that the diminution in question will be permanent. On the contrary, they suppose it to have resulted from two causes, of a temporary nature; first the extensive depredations on our commerce which took place in 1796, 1797 and 1798, especially the two former; the full effect whereof was not felt in the revenue, till 1799; because it was in that year, that the duties on the imports of 1798 became payable: and secondly, the great re-exportation of foreign commodities in 1799; which amounted to Dolls. 45,523,335, exceeding by Dolls. 12,000,000, those of any former year; and which drew from the treasury very great sums in drawbacks. As this branch of the revenue is bottomed on the consumption of the country, which, notwithstanding occasional fluctuations, has a constant progressive increase, with the increase of population and wealth, the committee conceive, that it may be expected soon to regain its former level, and gradually to augment. In proof of which they remark, that the first quarter of the present revenue year, the returns of which are before the house, exceeds in product the first quarter of the last year, or of 1797; and very nearly equals that of 1798.



This event, however, though highly probable, as it seems to them, being still uncertain; and the revenue, in its present state, being unequal to the increased scale of expenditure, resulting from the interest of this and the last years loans, and to a reasonable provision for deficiencies, and for the extinguishment of the principal; the committee conceive it proper, and even indispensable, to provide, at present, for the additional sum of dollars 850,000, at the least. More, they think, will not now be necessary.

Having come to this conclusion, as to the amount of the sum which it would be expedient to provide for at this time, they next turned their attention, to the ways and means of making the provision.

As the official situation of the secretary of the treasury, gives him more exact and extensive information, on the subject of revenue, than any other person can be supposed to possess; and enables him to form the most correct opinions respecting the probable operation, and comparative merits, of different schemes of taxation; the committee thought it proper, to address their inquiries, in the first instance, to him, and to wait for the result of his deliberations, before they should decide. For this purpose was written the letter, of which a copy (No. 1.) is subjoined to this report.

In his answer, which, together with the statements therein referred to (No. 2.) is also hereto annexed, the secretary proposes to augment the duties on several kinds of wine; to raise those articles which now pay a duty of 10 per centum ad valorem, to  $12\frac{1}{2}$  per centum; and to make a new arrangement respecting drawbacks on goods re-exported, the effect of which would be, to impose a tax of from about 15 to about 18 per centum of their whole amount, on the drawbacks now allowed. This effect would be pro-

duced, by refusing, altogether, the drawback on certain articles, which are enumerated in the paper C. accompanying the secretary's letter; and by withholding a greater or less part of it on a variety of other articles, in the manner stated in the paper B. referred to in the same letter.

The secretary has informed the committee, that he expects from these three measures, should they be adopted, an addition to the revenue of about Dolls. 900,000 annually. But he has not stated what part of this addition, he expects from each measure separately. The two first he proposes to make perpetual. The third, the tax on drawbacks, he would continue no longer than during the present war in Europe.

When they proceeded to the examination of this plan, they found no difficulty as to that part of it, which relates to the augmentation of duties.

Wines, indeed, are now highly taxed; but being a mere luxury, which is consumed solely by people in affluent or easy circumstances, they appear to be a very proper object of revenue; and it is not apprehended that a moderate increase of the duty, would diminish the consumption, or endanger smuggling. This reasoning, as the committee conceive, will be confirmed, by a statement of the amount of duties on wines, which is annexed to this report, (No. III.) and from which it appears, that from 1794 to 1797 inclusive, the nett product of those duties, has increased from Dolls. 457,308, to Dolls. 524,135, although no additional duty has been laid during that period. The returns for 1798 are too incomplete, to be taken into the calculation. During the latter part of that period, indeed, there has been a fall in this product, as in that of many other branches of the revenue; but it appears from the average, that

this fall is more than counterbalanced, by the rise in the former part; and the committee conceive, that such fluctuations, arising from accidental and transient causes, are always to be expected; and that the average of a number of years, can alone afford a safe criterion, whereby to judge on subjects of this kind.

It is, moreover, to be observed, that the duties on wines have, hitherto, been injudiciously laid; so as to produce a strong temptation, to enter high priced wines which pay a very high duty, under the names of those of a low price, whereon the duty is comparatively low. There is reason to believe, as the committee are informed by the secretary of the treasury, that much loss to the revenue has already been experienced, from this cause. The plan contained in his new tariff, (the paper B.) proposes to remove this cause, by a different adjustment of the duties in question.

As the average product of the duties on wines, appears by the statement, (No. III.) to be upwards of dollars, 600,000. An addition of 20 per cent. on the amount of the present duty, would produce dollars, 120,000. This addition it is conceived, might be safely made, in the manner proposed by the Secretary of the Treasury.

As to the articles paying a duty of 10 per cent. ad valorem, which are very numerous, and of great value, including all woollen goods, white cottons, and nankeens, with other articles of less importance, the committee are of opinion with the Secretary of the Treasury, that an additional duty of two and an half per centum on the value of the article, may safely be laid on them. The present duties on all articles paying a rate per centum ad valorem, of which the 10 per cent. constitute a great proportion, probably two thirds, were fixed in 1792, except a few, which were raised from



10 to  $12\frac{1}{2}$  per cent. in 1797; and they produced their full effect in 1793: from the end of which latter year, until the end of 1798, the nett product of those duties rose from dollars, 2,319,817 to 2,717,657; as appears by a statement (No. IV.) which is subjoined to this report. The encrease, indeed, must probably have been greater; as the returns for the last mentioned year, 1798, are very incomplete; two quarters being wanting from Philadelphia, as many from Charleston, and four from Savanna; which deficiencies will, probably, be found to have produced a greater deduction from the product in 1798, than can have been made up for, by the additional duties laid in 1797. This progressive increase, notwithstanding the intermediate fluctuation, appears to the committee to prove, satisfactorily, that the importation of the articles in question, is not injuriously affected by the present duty; which may, therefore, be safely augmented to the amount proposed.

There is another consideration on this head, which is conceived to be of great weight. These articles are all imported from distant places, on general freight, and in ships of great value; which circumstances so much encrease the difficulty and hazard of smuggling, as to leave little danger of its being attempted, under the operation of any duties that the consumption will bear. They are, moreover, in the same situation with many other articles, such as muslins, muslinets and coloured cottons, which now pay the proposed duty of  $12\frac{1}{2}$  per cent.

The average nett product of the ad valorem duties, from 1794 to 1798 inclusive, a period of five years, being dollars 3,181,173, as appears from the statement above mentioned; (No. IV.) it follows, that if the 10 per cents. be supposed to constitute two thirds of the whole mass, which is probably the case, the additional  $2\frac{1}{2}$  per cent. proposed to be laid on them, would produce dollars, 600,000.

As to the third proposition of the Secretary, the tax on drawbacks, it appeared liable to more doubt.

In support of the plan, it was urged, that the great mass of our re-exportation, consists in commodities, chiefly sugar and coffee, which we bring from the East and West-Indies, and afterwards carry to Europe, for the consumption of France, Holland and Germany; and in East-India and China goods, wherewith we supply the people of the West-Indies, and of South-America. That the commerce of France Holland and Spain being annihilated by the events of the war, and that of Sweden and Denmark very inconsiderable, the carrying trade may be considered as almost exclusively possessed by the English and ourselves. That the English, being at war with France Spain and Holland, and thereby excluded from the ports of those nations in Europe Asia and America, cannot enter into a competition with us, in the business of supplying their possessions, especially those in South-America and the West-Indies, with East-India and China goods; and that we, consequently, having the exclusive possession of this traffic, may lay what price we please on the goods re-exported; and, of course, may compel the consumers to repay to us, the tax laid on those goods here, by the refusal of part of the drawback. That the same reasoning will apply, in a great degree, to the supply of Europe, with sugar coffee and other East and West-India commodities; because France Holland and Spain being shut against the English, by the war, they cannot become our competitors, for the direct supply of those countries. That as to the indirect supply, through the ports of Germany and Portugal, especially the former which are by far the most considerable, we can furnish it on better terms than they; because they are excluded from many of the countries where the commodities are produced, and because their trade with the north of Germany, is exposed to great danger and interruption, from the French and Dutch priva-



teers. And finally, that the English are the less able to enter into a competition which we ought to dread, inasmuch as the monopoly of their East-India trade by a particular company, prevents individual enterprize and ingenuity from being excited in carrying it on, upon the best terms; and as the English government itself has laid a duty on exports, during the war, equal to that proposed by the plan under consideration: so that her merchants and ours being on an equal footing, in that respect, they could not under bid us, in the foreign markets to which both resort.

From hence it was concluded, that while the war in Europe, and the present state of things resulting from it, shall continue, a tax on drawbacks, such as that proposed, would be a tax, not on our own commerce or our own merchants, but on foreign nations; who being the consumers of the re-exported commodities, wherein the tax would fall in the first instance, and being compelled, during the war at least, to purchase those commodities from us alone, would be under the necessity of repaying to us the tax, in addition to the price which we should otherwise demand.

To this it was answered, that the whole argument rests on the supposition, of our being able to effect two things, both of which are of a very uncertain nature, namely to monopolize the business of supplying the countries in question, with East and West-India and China commodities; and to compel those commodities to touch first at our own ports, before they are carried to the places where they are consumed: it being clear that if, by raising the price of the commodities, we should raise up competitors who would under bid us in the foreign markets; or should, by taxing them on their arrival in our own ports, render it the interest of our merchants, to carry them directly from the places of their production, to the places where they are to be consumed, without landing them in this country;

we should, in either case lose the duty : in the first by ruining altogether the trade whereon it must depend ; and in the second, by turning the trade away from our own ports, where alone the duty can be collected.

Whether we should be able to monopolize the business in question, to such an extent, as to have it in our power to lay our own price on the commodities which compose it, was said to be very uncertain, for various reasons. First, because the English possess very far the greater part of those places, in the East and West Indies, where the valuable commodities consumed in Europe are produced ; and their Merchants can carry them directly from thence to the ports of Germany, or of Denmark and Sweden ; from whence they would easily find their way into Holland and France. Secondly, because the duty on exports laid in England, may easily be avoided by her merchants, by means of going directly to the foreign markets, instead of first touching at home ; and the danger of Privateers is greatly lessened, by the Convoy which she gives to her trade, and the great number of her Squadrons and cruising frigates in those Seas ; circumstances whereby her trade is probably rendered more secure than ours. And thirdly, because although her merchants cannot carry the East India and China Goods, directly, to the French Spanish and Dutch possessions in the West Indies and South America, they can and do carry those goods, in immense quantities, to their own islands ; from whence they are known to find their way, by means of an illicit trade perhaps connived at by those employed to prevent it, into the places, of which we suppose ourselves to possess the exclusive supply.

As to the example of England, which is said to have laid our export duty, analogous to the tax or Drawbacks now proposed ; it was observed, in the first place, that the experiment in England has not been long enough made, to enable us to judge of its success ; Se-

condly, that so far as time has furnished information on that head, the experience of England is against the plan, her exports having diminished since the period when that tax was laid ; and thirdly, that what is called a tax on exports in England, is, in fact, a premium paid for convoy, which the government, in consideration of this premium, engages to furnish, and does furnish, to every ship sailing from her ports. An arrangement which enables Shippers to obtain their insurance at a lower rate. So that the duty on exports, instead of being a tax on the trade of England, is merely a part of the premium of insurance, which the merchants pay to the Government, instead of paying it to the underwriters : whereas in our case, as we give no convoy, it would be a mere tax on our trade, which our merchants must pay in the first instance, and might or might not be able to get back from the consumers.

If they should prove unable to get it back from the consumers, by reason of the competition, which the augmentation of price consequent on the duty, might create or increase, the trade must in the end, be ruined ; and with it must perish, not only a great portion of our revenue and of our Navigation, the basis of our future maritime strength, but also of the industry of our sea port towns, which is nourished and sustained by our Navigation.

If on the other hand, they should prove able to levy this tax, ultimately, on the consumers, still it was urged, would the question remain, whether the tax would be sufficient, to induce the merchants to avoid our own ports ; and either to go directly to the consumers, from the places where the commodities are produced ; or, where that cannot be done, to touch at some ports where no such duty is laid : in either of which cases, we should not only lose the revenue expected from this duty, but also affect, to a degree not easily foreseen, all those branches of industry in our country, which are



connected with the landing storage and re-shipment of goods, and the arrival, repair and supply of ships.

The duty of  $2\frac{1}{2}$  per cent on the amount of a valuable cargo, it was observed, is a premium sufficient to afford a very strong temptation, to avoid our own ports. Men of small capital, who could only import parcels of goods on freight, might not be able to do this, and therefore must pay the duty; while large capitalists, who import intire cargoes, in their own or in chartered ships, might be able to do it, and thus avoid the duty: whereby a monopoly would be created, to the very great detriment of our commercial interest; the prosperity of which depends far more on the mass of small capitalists, than on the small number of great ones.

It was further urged, that this measure, so hazardous in itself, and the mischiefs whereof, should it prove unsuccessful, must alwas take place, and may have become irremediable, before they can be perceived, is by no means necessary; since the two first parts of the secretary's plan, the additional duties on wines and the 10 per cent articles, will afford an additional revenue of from six to seven hundred thousand dollars: to which might be added 200,000 dollars by a  $\frac{1}{2}$  cent per pound additional on brown sugar; and 50,000 by a like addition per pound on coffee: making in the whole an additional revenue of at least Dols. 900,000; which is more, by Dols. 50,000, than the sum proposed to be raised.

It was shewn by a statement of the duties on brown sugar, for six successive years, which is annexed to this report, (No. V.) that the net product of that article, at a duty of  $1\frac{1}{2}$  cents per pound, from the beginning of 1793 to the end of 1797, a period of five years, increased from Dols. 646,715, to Dols. 735,671; and that the average nett product, for a period of six years, from 1793 to 1798 inclusive, was Dols. 586,292. It

It was contended that although an addition of  $\frac{1}{2}$  a cent was made to that duty in 1797, and the product in 1798 nevertheless appeared to be less than in former years, being only Dolls. 630,791 as stated from the returns, yet no conclusion unfavourable to the duty could be drawn from thence: because the returns for that year were very deficient; two quarters being wanting from Philadelphia and Charleston, and four from Savanna; which, probably, had reduced the apparent amount much more, than the actual receipt had been augmented by the additional duty.

Hence it was inferred, that the consumption and importation of brown sugar, had not been injuriously affected by the former duty; and that the average nett product being at the rate of Dolls. 200,000 for every  $\frac{1}{2}$  cent of duty, that sum might be expected from the proposed augmentation.

On the subject of coffee, it was shewn by a statement of the duties on that article, for six successive years, from 1793 to 1798 inclusive, which is also annexed hereunto, (No. VI.) that the average nett product of those duties, during the period in question, was Dolls. 498,762, although the returns for the last year in the period were incomplete, as has been already stated, and no addition has been made to the duty since 1792. Hence it was inferred, that an additional  $\frac{1}{2}$  cent might safely be laid on that article also; which, as the present duty is 5 cents per pound, would produce Dolls. 50,000.

Such were the arguments for and against the proposed tax on Drawbacks; and such the objects of revenue which it was thought might, with more safety and propriety, be adopted in its stead.

The committee did not deem it their province to pronounce any decision on these points; but solely to bring them into the view of the house, and submit them to its consideration.



There was, however, one proposal made, which does not appear to them to be of a doubtful nature, and which they have, therefore, thought it proper to recommend.

In the act allowing drawbacks, there is a provision, that one per cent. on the whole amount of them, shall be retained in order to defray the expence of management. Afterwards  $\frac{1}{4}$  per cent. was added to this first deduction, in lieu of stamp duties on debentures. It has been suggested by the secretary of the treasury, that the sum thus retained, is found insufficient to defray the expences incident to the allowance of drawbacks; and the committee are of opinion that it will be proper to double it. In that case, the reduction made by the government, for the expence of management and in lieu of stamp duties on debentures, will amount to about Dolls. 100,000 annually; which, as the present amount does not exceed Dolls. 50,000, will be a further addition to the revenue of Dolls. 50,000.

Having thus brought the whole subject into view, as fully as seemed to them to be proper, the committee beg leave, in order to take the sense of the house on the various matters stated in their report, to submit to its consideration the following

#### RESOLUTIONS.

1<sup>st</sup>. Resolved, That it is expedient to lay an additional duty of \_\_\_\_\_ per centum on the amount of the present duty, upon wines imported into the United States.

2<sup>nd</sup>. Resolved, That it is expedient to lay an additional duty of \_\_\_\_\_ per centum ad valorem on such goods wares and merchandizes, imported into the United States, as are now subject to a duty of ten per centum ad valorem.

3<sup>d</sup>. Resolved, That it is expedient to lay a tax on drawbacks allowed by law, for goods re-exported

from the United States; according to the plan proposed in the letter of April the 10th 1800 from the secretary of the treasury to the committee of ways and means.

4 th. Resolved. That it is expedient to lay an additional duty of \_\_\_\_\_ per pound on brown sugar and coffee imported into the United States.

5 th. Resolved, That it is expedient to retain \_\_\_\_\_ per centum on all drawbacks allowed for goods re-exported from the United States, for the expences incident to the allowance thereof, and in lieu of the stamp duties on debentures; in addition to the sums heretofore directed by law to be so retained for the aforesaid purposes.



## (No. I.)

*Committee Room, February 14<sup>th</sup> 1800.*

The committee of ways and means, Sir, conceiving it proper for congress to establish, during the present session, permanent revenues equal to the interest of the loan which may be necessary to make this year, and perhaps to that of the last year also, the amount of which two charges will, probably, not fall short of six hundred and eighty thousand dollars annually, have directed their attention to the inquiry, "from what sources this additional revenue may be drawn, with the least difficulty to the government and the greatest ease to the public." Before, however, they come to any final resolution on so important and difficult a subject, they wish to obtain your opinion on the following points.

1. Admitting the necessity of providing for both loans, can the requisite sum, or any considerable part of it, be raised by an addition to the duties on certain articles imported? what are those articles, and to what amount may new duties be laid on them? the committee have thought of whines, spirits, brown sugar, and woollen cloths. Salt also has been suggested as an article on which a further duty might perhaps be laid.

2. Admitting a further duty to be laid on wines and spirits imported, will it not be necessary to make a corresponding augmentation on the tax on stills, and domestic distilled spirits; and can such augmentation be made, with due regard to the situation of remote parts of the country?

3. What would be the policy of abandoning, altogether, the idea of augmenting the impost, and resorting to an internal tax, by way of excise, on wines,

spirits, coffee, teas, and sugars? or would it be better to adopt both modes in part?

4. As a change will probably be made this year in the mode of stamping, which will render it proper to call in and change the stamps, might not those duties be safely augmented, so as to raise a further sum of one hundred thousand dollars?

5. Might not a national lottery be established, so as to raise from one hundred thousand to one hundred and fifty thousand dollars, annually? and how far would such a mode of taxation be advisable?

In addition to your opinion on these several points, Sir, the committee would be much obliged by the communication of any ideas which may have occurred to you on the subject in general. And as the interest and extinguishing annuity of the deferred debt will commence next year, they beg you to take into view the means of providing for those objects likewise.

With the highest respect,

I have the honour to be,

Your obedient Servt.

Your very Hbl. Servt.

(Signed) ROBERT G. HARPER.

The Honr.

The Secretary of the Treasury.

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*Treasury Department, April 10th 1800.*

SIR,

I have with the aid of the best information which I could obtain, deliberately considered the important questions, upon which, on behalf of the committee of ways and means, you have been pleased to request my opinion.



Although according to my view of the subject, the public debts have not hitherto considerably increased, since the establishment of the existing government; yet as the expenditure at the present time, considerably exceeds, the stated income from duties and taxes, an augmentation of the revenue, appears to be adviseable.

The sources from which this revenue may be expected, with the greatest ease to the community are believed to be the following.

1. From an increase of duties, on the importation and a new arrangement of drawbacks payable on the exportation of certain articles of foreign growth or manufacture.

2nd. From a new modification of the duties on stills employed in the distillation of spirits from domestic materials.

3d. From a duty on the transfer of real property to be collected by stamps.

The first mentioned subject being the most complex, and of great importance considered both in relation to the interests of commerce and the revenue is separately presented to the consideration of the committee.

The paper herewith transmitted marked A, exhibits a view of the rates of duties at present levied on imports; that marked B, is respectfully offered as a substitute.

It is proposed to increase the duties on several kinds of wines, and generally to impose a duty of twelve and an half per centum ad valorem, on the merchandize at present subject to duties at ten per centum—a few articles only of no great importance are placed in the list of goods, subject to rate of fifteen per centum.

It is known to the committee that the quantities of articles of foreign growth or manufacture, which are

imported into the United States, for the purpose of being exported, have greatly increased and are still increasing—the sum of one and one quarter per centum upon the duties, at present retained, is found on calculation, to be hardly sufficient to defray the Custom House expenses, occasioned by this branch of business—after a very close examination of the subject, it is my opinion, that the revenue may be increased and the manufactures of the country encouraged, by reducing the drawback in the mode proposed, without injury to commerce.

This opinion will it is believed receive a confirmation from an examination of the commercial and financial systems, and actual situation of the countries, with which our commerce of importation and exportation is at present prosecuted; to guard however against the consequences of any mistake, it is respectfully proposed, that the present rates of drawback shall be allowed, after the termination of the present war in Europe.

I have the honour to be  
 With the greatest respect,  
 Sir,  
 Your Obt. Servant,  
 OLIVER WOLCOTT.

The Honorable  
 Robert G. Harper, Esq.  
 Chairman of the committee  
 of Ways and Means

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*Treasury Department, April 12th, 1800.*

SIR,

In compliance with your request I have the honour to inform you, that if the tariff of duties and drawbacks which accompanied my communication of ye-

sterday shall be established, the revenue will probably receive an addition of about nine hundred thousand dollars, per annum.

I have added at your request a particular list of the articles upon which the duties are proposed to be increased or varied.

I have the honour to be

With respect,

Sir,

Your obedient servant,

OLIVER WOLCOTT.

The Honourable

Robert G. Harper, Esqr.

## A.

Abstract of all the articles of merchandise which are subject to specific rates of duty, on their importation into the United States.

*If Imported in*

	<i>American ships or vessels.</i>	<i>Foreign ships or vessels.</i>
Ale, beer, and porter, in casks or bottles, - - -	8 cts. p. gal.	$8\frac{4}{5}$
Boots, - - -	75 cts. p. pair	$82\frac{1}{2}$
Cards playing, - - -	25 cts. p. pack	$27\frac{1}{2}$
— wool and cotton,	50 cts. p. doz.	55
Cables and tarred cordage,	180 cts. p. cwt.	198
Candles of Tallow, - - -	2 cts. p. lb.	$2\frac{1}{5}$
— Wax, or Spermaceti,	6 do.	$6\frac{3}{5}$
Cheese, - - -	7 do.	$7\frac{7}{10}$
Cocoa, - - -	2 do.	$2\frac{1}{5}$
Chocolate, - - -	3 do.	$3\frac{3}{10}$
Cordage and yarn untarred,	225 cts. p. cwt.	$247\frac{1}{2}$
Coal, - - -	5 cts. p. bush.	$5\frac{1}{2}$
Coffee, - - -	5 cts. p. lb.	$5\frac{1}{2}$
Cotton, - - -	3 do.	$3\frac{3}{10}$
Glauber salts - - -	200 cts. p. cwt.	220
Hemp, - - -	100 do.	110
Indigo, - - -	25 cts. p. lb.	$27\frac{1}{2}$
4 Lead and musket ball,	1 do.	$1\frac{1}{10}$
All other manufactures of lead, or in which lead is the chief article, - - -	1 do.	$1\frac{1}{10}$
Malt, - - -	10 cts. p. bush.	11
Molasses, - - -	4 cts. p. gal.	$4\frac{2}{5}$
Nails, - - -	2 cts. p. lb.	$2\frac{1}{5}$
Packthread and twine,	400 cts. p. cwt.	440
Pepper, - - -	6 cts. p. lb.	$6\frac{3}{5}$
Pimento, - - -	4 do.	$4\frac{2}{5}$

*If Imported in*

	<i>American ships or vessels.</i>	<i>Foreign ships or vessels.</i>
1 Salt weighing more than 56lb. per bushel,	20 cts. p. 56lb.	22
—weighing 56lb. per bush- el or less,	20 p. bushel	22
Steel,	100 p. cwt.	110
Spirits, distilled in foreign countries, From grain,		
First proof,	28 per. gal.	$30\frac{4}{5}$
Second, do.	29 do.	$31\frac{9}{10}$
Third, do.	31 do.	$34\frac{1}{10}$
Fourth, do.	34 do.	$37\frac{2}{5}$
Fifth, do.	40 do.	44
Sixth, do.	50 do.	55
From other materials.		
First proof,	25 p. gal.	$27\frac{1}{2}$
Second, do.	25 do.	$27\frac{1}{2}$
Third, do.	28 do.	$30\frac{4}{5}$
Fourth, do.	32 do.	$35\frac{1}{5}$
Fifth, do.	38 do.	$41\frac{4}{5}$
Sixth, do.	46 do.	$50\frac{3}{5}$
3 Spirits distilled in the United States imported in the same ship or vessel in which they had been previously export- ed from the United States,		
From Molasses.		
First proof,	14 per. gal.	14
Second, do.	15 do.	15
Third, do.	16 do.	16
Fourth, do.	18 do.	18
Fifth, do.	22 do.	22
Sixth, do.	29 do.	29



*If Imported in*

	<i>American ships or vessels.</i>	<i>Foreign ships or vessels.</i>
From materials of the growth and produce of the United States,		
First proof, - -	7	cts. per gal. 7
Second, do. - -	8	do. 8
Third, do. - -	9	do. 9
Fourth, do. - -	11	do. 11
Fifth, do. - -	13	do. 13
Sixth, do. - -	18	do. 18
Spikes, - -	1	per lb. $1\frac{1}{10}$
Shoes and slippers of silk,	25	per pair. $27\frac{1}{2}$
— other shoes and slippers for men and women, clogs, and goloshoes, -	15	do. $16\frac{1}{2}$
— other shoes and slippers for children, -	10	do. 11
Soap, - -	2	per lb. $2\frac{1}{5}$
Sugars, brown, - -	2	do. $2\frac{1}{5}$
— white clayed, - -	3	do. $3\frac{3}{10}$
— white powdered, -	3	do. $3\frac{3}{10}$
— all other clayed or pow- dered, - -	2	do. $2\frac{1}{5}$
— lump, - -	$6\frac{1}{2}$	do. $7\frac{3}{10}$
2 — loaf, - -	9	do. $9\frac{9}{10}$
— other refined, -	$6\frac{1}{2}$	do. $7\frac{3}{10}$
Sugar Candy, - -	9	do. $9\frac{9}{10}$
2 Snuff, - -	22	do. $24\frac{1}{5}$
Teas from China, and India,		
Tea, bohea, - -	12	do. $17\frac{1}{5}$
— fouchong and other black teas, - -	18	do. 27
— hyson, imperial, gun- powder, or gomee, -	32	do. 50
other green teas, -	20	do. 30

*If Imported in*

	<i>American ships or vessels.</i>	<i>Foreign ships or vessels.</i>
From Europe.		
Tea, bohea, - -	14	cts. p. lb. 17 $\frac{1}{2}$
— fouchong and other black teas, - -	21	do. 27
— hyfon, imperial, gunpow- der or gomee,	40	do. 50
other green teas, -	24	do. 30
From any other place.		
Tea, bohea, - -	17	do. 18 $\frac{7}{8}$
— fouchong or other black teas, - -	27	do. 29 $\frac{7}{8}$
— hyfon, imperial, gunpow- der, or gomee,	50	do. 55
other green teas, -	30	do. 33
2 Tobacco manufactured, other than snuff, -	10	do. 11
Wines in casks, bottles or other vessels.		
Wine, London particular Madei- ra, - -	56	pr. gal. 61 $\frac{3}{4}$
— London market, do.	49	do. 53 $\frac{9}{16}$
— other do. do.	40	do. 44
— Burgundy and Champaign,	—	do. —
— Sherry, -	33	do. 36 $\frac{3}{16}$
— St. Lucar, -	30	do. 33
— Lisbon and Oporto,	25	do. 27 $\frac{1}{2}$
— Teneriffee, Fayal and Ma- laga, -	20	do. 22
— All other Wines, whenever 40 per cent ad valorem would be more than 30 cents per gal- lon in American, and 33 cents per gallon, in Foreign vessels, or less than 10 cents per gal- E		

	<i>If imported in</i>	
	<i>American ships or vessels.</i>	<i>Foreign ships or vessels.</i>
	cents.	cents.
Ion in American and 11 cen s		
in Foreign vessels, are then		
subject in the former case to,	30	pr. gal. 33
And in the latter case to,	10	do. 11

## NOTES.

1. The additional duty laid on salt by the act of July 8 1797, is limited to the end of the present session of congress.

2. The additional duties laid on *loaf-sugar, snuff,* and *manufactured tobacco,* by the act of June 5, 1794, are limited (by the act of March 3, 1795) to March 1, 1801.

3. It is questionable whether spirits of this description can now be legally imported—Vide 12, sect. of the act of May 8, 1792, 4, sect. of the act of June 5, 1794, and 193, sect. of the collection law. The rates of duty as exhibited in the last printed table of duties are incorrect, being *one cent less* in each case than just, arising from the *additional duty of one cent* laid on molasses by the act of March 3, 1797.

4. These articles, to wit, *lead* and *musket ball,* are exempted from duty (by the act of June 14, 1797, and continued by the act of April 7, 1798) until the end of the present session of congress.

Abstract of sundry articles of merchandize which are subject to ad valorem rates of duty on their importation into the United States.

*If imported in*

	<i>American ships or vessels.</i>	<i>Foreign ships or vessels.</i>
	<i>pr. cent.</i>	<i>pr. cent.</i>
Anchors	10	ad va- 11
Bottles in which wine, ale, beer, porter or any other liquor is im- ported	10	do. 11
Brass, iron or steel, locks, hinges, hoes, anvils and vices	10	do. 11
Blank books	10	do. 11
Brushes	10	do. 11
Canes, walking sticks, and whips	10	do. 11
Cambricks	10	do. 11
Cloathing ready made	10	do. 11
Glass, black quart bottles	10	do. 11
Gauzes	10	do. 11
1. Gunpowder	10	do. 11
Laces and Lawns	10	do. 11
Lampblack	10	do. 11
Linen manufactures, or of which li- nen is the material of chief va- lue, not printed, stained or co- loured	10	do. 11
Writing and wrapping paper	10	do. 11
Pasteboards, parchment or vellum	10	do. 11
Pictures and prints	10	do. 11
Printing types	10	do. 11
Sail cloth	10	do. 11
Saddles or parts thereof	10	do. 11
Sattins and other wrought silks	10	do. 11
Toys not otherwise enumerated	10	do. 11

If imported in

	<i>American ships or vessels.</i>		<i>Foreign ships or vessels.</i>
	per cent.		per cent.
All goods not otherwise particularly enumerated and described	10	ad va-	11
Chintzes, and coloured calicoes or muslins, and all printed, stained or coloured goods or manufactures of cotton or of linen, or of both, or of which cotton or linen is the material of chief value, or cotton manufactures not printed stained or coloured	12 $\frac{1}{2}$	do.	13 $\frac{3}{4}$
Muslins and muslinets whether printed, stained coloured or otherwise	12 $\frac{1}{2}$	do.	13 $\frac{3}{4}$
Nankeens	12 $\frac{1}{2}$	do.	13 $\frac{3}{4}$
Velvets and veverets	12 $\frac{1}{2}$	do.	13 $\frac{3}{4}$
Wood manufactured (exclusive of cabinet wares)	12 $\frac{1}{2}$	do.	13 $\frac{3}{4}$
Fire and side arms, or parts thereof, not otherwise enumerated	15	do.	16 $\frac{1}{2}$
Artificial flowers, feathers and other ornaments for women's head-dresses	15	do.	16 $\frac{1}{2}$
Annisted	—	—	—
1. Brass cannon	—	—	—
— all other manufactures of brass	—	—	—
Bonnets, hats and caps of every kind	—	—	—
Buttons of every kind	—	—	—
Buckles shoe and knee	—	—	—
Cabinet wares	—	—	—
Carpets and carpeting	—	—	—
Cartridge paper	—	—	—
Capers	—	—	—



## If imported in

	If imported in	
	American ships or vessels. per cent.	Foreign ships or vessels. per cent.
China ware	15	16 $\frac{1}{2}$
Cinnamon, cloves, currants and comfits	—	—
Copper manufactures	—	—
Clocks and Watches or parts of ei- ther	—	—
I. Cutlasses	—	—
— parts thereof	—	—
Dates and figs	—	—
Dolls, dressed and undressed, or parts thereof	—	—
Medicinal drugs, except those com- monly used for dying	—	—
Fans or parts thereof	—	—
Fringes, laces, lines, tassels and trim- mings commonly used by uphol- sterers, coachmakers and saddlers	—	—
Floor cloths and mats or parts of either	—	—
Fruits of all kinds	—	—
Window glass	—	—
Ginger	—	—
Gloves and mittens of every kind	—	—
Gold, silver and plated ware	—	—
Gold and silver lace	—	—
Glue	—	—
Hangers or parts thereof	—	—
Hair powder	—	—
Cast, slit, or rolled iron, and all ma- nufactures of iron, steel, or brass, or of which either of these metals is the article of chief value, not	—	—

	If imported in		
	American ships or vessels.	Foreign ships or vessels	
	per cent.	per cent.	
being otherwise particularly enu- merated	15	ad va- lorem.	16 $\frac{1}{2}$
Jewellery and paste work	—	—	—
Leather, tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated	—	—	—
Lemons and limes	—	—	—
Marble, slate, and other stone, bricks, tiles, tables, mortars, and other utensils of marble or slate, and ge- nerally all stone and earthen ware	—	—	—
Mace	—	—	—
Millenary ready made	—	—	—
I. Muskets and firelocks, with bay- onets suited to the same	—	—	—
— without bayonets ;	—	—	—
— or parts of either	—	—	—
Mustard in flour	—	—	—
Nutmegs	—	—	—
Oranges	—	—	—
Olives	—	—	—
Oil	—	—	—
Pewter manufactures	—	—	—
Paper hangings	—	—	—
Sheathing paper	—	—	—
Painters colours, whether dry or ground in oil, except those com- monly used in dying	—	—	—
I. Pistols or parts thereof	—	—	—
Pickles of all sorts	—	—	—

If imported in

<i>American ships</i> or vessels.	<i>Foreign ships</i> or vessels.
per cent.	per cent.

	ad va-		lorem.
Powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations, or compositions commonly called sweet scents, odors, perfumes, or cosmeticks, and all powders, or preparations for the teeth or gums	15	do.	16 $\frac{1}{2}$
Plumbs and prunes	—	—	—
Raisins	—	—	—
Starch	—	—	—
1. Swords or parts thereof	—	—	—
Stockings	—	—	—
Tin manufactures	—	—	—
Wafers	—	—	—
Coaches, chariots, phætons, chairs, chaises, solos, or other carriages or parts of either	20	—	22
All glass, and manufactures thereof, not otherwise particularly enumerated	20	—	22
Girandoles or parts thereof	20	—	22
Looking glass	20	—	22
All wines, excepting those charged with specific rates of duty, 40 per cent ad valorem, excepting when that rate exceeds 30 cents per gallon in American vessels, and 33 cents per gallon in foreign vessels; or is less than 10 cents per gallon in American vessels, or 11 cents per gallon in foreign vessels	40	—	44

## NOTES.

1. These articles, to wit, *gun powder, brass cannon, cutlasses, muskets, and firelocks, with bayonets suited to the same, pistols and swords,* are exempt from duty (by the act of June 14, 1797, and continued by the act of April 7, 1798) until the end of the present session of congress.

2. The duties on all the foregoing articles of merchandise whenever they amount to fifty dollars (as well on those subject to specific, as on those liable to duties ad valorem,) may be drawn back, on exportation of the same within one year from the respective importations, excepting *one quarter per cent. of the duties and one half cent per gallon on spirits and one and a quarter per cent. of the duties on all other merchandise whatever.*

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List of articles which are exempt from duty on their importation into the United States.

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1. Bullion.
2. Tin in pigs and plates.
3. Old pewter.
4. Brass teutenage.
5. Iron and brass wire.
6. Copper in plates, pigs and bars.
7. Lapis caliminaris.
8. Saltpetre.
9. Sulphur.
10. Plaister of Paris.
11. Unmanufactured wool and wood.
12. Dying woods.
13. Dying drugs.

14. Raw hides and skins.
15. Undressed furs of every kind.
16. Sea stores of ships or vessels.
17. Philosophical apparatus specially imported for any seminary of learning.
18. Wearing apparel and other personal baggage and the tools or implements of a mechanical trade only of persons who arrive in the United States.
19. All goods intended to be re-exported to a foreign port or place in the same ship or vessel in which they shall be imported.
20. All articles of the growth or manufacture of the United States, upon which no drawback, bounty or allowance has been paid or admitted.

## B.

Abstract of the duties proposed to be imposed on the importation of Goods, Wares, and Merchandise into the United States and of the Drawback proposed to be allowed on the exportation thereof to foreign countries.

<i>Articles Subject to Duty.</i>	<i>In what Proposed rates manner of duties the duties when imported are imposed. in ships or Vessels of the United States.</i>	<i>Proposed rates of Draw- back.</i>
	ad val.	per cent.
Coaches, Chariots, Phætons, Chairs, Chaises, Solos, or other carriages or parts of either,	do.	20
	F	



*In what manner the duties are imposed.*     *proposed rates of duty when Imported in ships or vessels of the U. S.*     *proposed rates of drawback.*

## ARTICLES SUBJECT TO DUTY.

	<i>ad val.</i>	<i>per cent.</i>	<i>pr. cent.</i>
Glass, and all manufactures thereof not otherwise particularly enumerated, -	do.	20	17½
Girandoles, or parts thereof, -	do.	do.	
Looking-Glass, mirrors, and all silvered plate glass, -	do.	do.	
Spermaceti, Whale Oil, and all other oils of sea animals, other than the produce of the fisheries of the United States, -	do.	do.	
Fire and side arms, or parts thereof not otherwise enumerated, -	do.	15	
Artificial flowers, feathers and other ornaments for women's head dresses, -	do.	do.	
Anniseed, -	do.	do.	
Brass cannon, -	do.	do.	
All other manufactures of brass, -	do.	do.	12½
Blank books, -	do.	do.	
Bonnets, hats, and caps of every kind, -	do.	do.	
Brushes of all kinds, -	do.	do.	

*In what proposed rates  
manner of duty when proposed  
the duties imported in rates of  
are im- ships or vessels draw-  
posed. of the U. S. back.*

## ARTICLES SUBJECT TO DUTY.

	<i>ad val.</i>	<i>per cent.</i>	<i>pr. ct.</i>
Buttons of every kind,	do.	5	12 $\frac{1}{2}$
Buckles, shoe and knee	do.	do.	do.
Cabinet wares, and gener- ally all manufactures in wood	do.	do.	
Canes, walking sticks or whips	do.	do.	
Carpets and carpeting	do.	do.	12 $\frac{1}{2}$
Cartridge, sheathing, wrap- ping, writing, and other paper of all kinds,	do.	do.	
Capers	do.	do.	
China ware	do.	do.	10
Cinnamon, cloves, cur- rants and confits	do.	po.	12 $\frac{1}{2}$
Copper manufactures	do.	do.	do.
Cloathing ready made	do.	do.	
Clocks, and watches, or pars of either	do.	do.	
Cutlasses or parts thereof	do.	do.	
Dates and figs	do.	do.	
Dolls dressed or undressed or parts thereof	do.	do.	
Medicinal drugs, except those commonly used for dy- ing, and specially enu- merated	do.	do.	12 $\frac{1}{2}$
Fans or parts thereof	do.	do.	do.
Fringes, laces, lines, tassels and trimmings of all kinds	do.	do.	
Floor cloths and mats, or pars of either,	do.	do.	12 $\frac{1}{2}$
Fruits of all kinds	do.	do.	

<i>Articles subject to Duty.</i>	<i>In what manner the duties are imposed.</i>	<i>proposed rates of duty when imported in ships or vessels of the U. S.</i>	<i>proposed rates of draw-back.</i>
	<i>ad val.</i>	<i>per cent.</i>	<i>pr. cent.</i>
Glass window	do.	15	12 $\frac{1}{2}$
unsilvered plates	do.	do.	
Gloves and mittens of every kind	do.	do.	
Gold, silver and plated ware, or gold or silver plate	do.	do	
Gold and silver lace	do.	do	
Glue	do.	do	
Hangers or parts thereof	do.	do	
Hair powder	do.	do	
Cast, slit or rolled iron, and all manufactures of iron, steel or brass or of which either of these metals is the article of chief value, not being otherwise particularly enumerated	do.	do	12 $\frac{1}{2}$
Jewellery and paste work	do.	do	
Leather, tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value not otherwise particularly enumerated	do.	do	
Lemons and limes	do.	do	
Marble, slate and other stone, bricks, tiles tables, mortars, and other utensils of marble or slate, and generally all stone and earthen ware,	do.	do.	do.
Mace,	do.	do.	do.
Millinery ready made,	do.	do.	

ARTICLES SUBJECT TO DUTY.	In what manner the duties are imposed.		proposed rates of duty when Imported in ships or vessels of the U. S.	proposed rates of drawback.
	ad val.	per cent.		pr. ct.
Muskets and firelocks with bayonets fitted to the same,	do.	do.		
Muskets and firelocks without bayonets or parts of either	do.	do.		
Mustard in flour	do.	15		
Nutmegs,	do.	do.		12 $\frac{1}{2}$
Oranges,	do.	do.		
Olives	do.	do.		
Oil, viz. Sallad, linseed and other vegetable oil,	do.	do.		
Pewter manufactures,	do.	do.		do.
Paper hangings,	do.	do.		
Parchment or Vellum,	do.	do.		
Painters colours, whether dry or ground in oil, except those commonly used in dying,	do.	do.		do.
Pistols or parts thereof	do.	do.		
Pickles of all forts,	do.	do.		
Powders, pastes, balls, balsams, ointments, oils waters, washes, tinctures, essences or other preparations or compositions commonly called sweet scents, odours, perfumes or cosmeticks, and all powders or preparations for the teeth or gums,	do.	do.		
Plumbs and prunes,	do.	do.		
Raisins,	do.	do.		
Starch	do.	do.		
Swords or parts thereof,	do.	do.		
Stockings,	do.	do.		do.
Tin manufactures,	do.	do.		do.
Wafers,	do.	do.		

*In what proposed rates  
manner of duty when proposed  
the duties imported in rates of  
are im- ships or vessels draw-  
posed of the U. S. back.*

*Articles subject to specific rates of duty.*

	<i>per cent.</i>	<i>per cent.</i>
Anchors	12 $\frac{1}{2}$	ad val 10
Cambricks	12 $\frac{1}{2}$	do. 10
Chintzes, and coloured calicoes or mullins, and all printed, stained or coloured goods or manufac- tures of cotton or linen, or of both, or of which cotton or linen is the material of chief value, or cotton manufactures not printed stained or coloured	12 $\frac{1}{2}$	do. 10
Gauzes	do.	do. 10
Gunpowder	do.	do. 10
Lampblack	do.	do. 10
Linen manufactures, or of which li- nen is the material of chief va- lue, not printed, stained or co- loured, and not specially enumera- ted	do.	do. 10
Mullins and mullinets whether print- ed, stained coloured or otherwise	12 $\frac{1}{2}$	do. 10
Nankeens	12 $\frac{1}{2}$	do. 7 $\frac{1}{2}$
Pictures and prints	do.	do. 10
Printing types	do.	do. 10
Sail cloth	do.	do. 10
Sattins and other wrought filks	do.	do. 10
Toys not otherwise enumerated	do.	do. 10
Woollen Manufactures and all arti- cles of which wool is the material of chief value, not otherwise spe- cially enumerated	do.	do. 10



*In what proposed rates  
manner of duty when proposed  
the duties imported in rates of  
are im- ships or vessels draw-  
posed of the U. S. back.*

*Articles subject to specific rates of duty.*

All goods, wares or merchandize not otherwise enumerated and described	ad val.	
	$12\frac{1}{2}$	10
Ale, beer, porter, cyder or Perry, in bottles, not exceeding in capacity one quart each, including the duty on said bottles	30 cts. p. doz.	
— in casks or other vessels	8 cts. p. gal.	
Boots,	75 cts. p. pair	
Cards playing,	20 cts. p. pack	
— wool and cotton,	50 cts. p. doz.	
Cables and tarred cordage,	180 cts. p. cwt.	150
Candles of Tallow,	2 cts. p. lb.	
— Wax, or Spermaceti,	6 do.	6
Cheese,	10 do.	
Cochineal	$1\frac{1}{2}$ do.	
Cocoa,	2 do.	$1\frac{1}{4}$
Chocolate,	3 do.	
Cordage and yarn untarred,	225 cts. p. c.	
Coal,	5 cts. p. bush.	
Coffee,	5 cts. p. lb.	$4\frac{1}{2}$
Cotton,	3 do.	$2\frac{1}{2}$
Glauber and other medicinal salts	200 cts. p. cwt.	
Ginger	2 cts. p. lb.	
Hemp,	100 cts. p. cwt.	80
Indigo,	25 cts. p. lb.	24
Lead and musket ball,	1 do.	

*In what proposed rates  
manner of duty when proposed  
the duties imported in rates of  
are im- ships or vessels draw-  
posed of the U. S. back.*

*Articles subject to specific rates of duty.*

All other manufactures of lead, or in which lead is the chief article, - - - - -				1	ct. pr. lb.	
Malt, - - - - -		10	cts. p. bush.			
Molasses, - - - - -		4	cts. p. gal.	3		
Nails, - - - - -		2	cts. p. lb.			
Packthread and twine, - - - - -	400	cts. p. cwt.	350			
Pepper, - - - - -		6	cts. p. lb.	5		
Pimento, - - - - -		4	do.	3 $\frac{1}{2}$		
1 Salt weighing more than 56lb. per bushel, - - - - -		20	cts. p. 56lb.	16		
weighing 56lb. per bush- el or less, - - - - -		20	p. bushel	16		
Steel, - - - - -	100	p. cwt.				
Spirits, distilled in foreign countries, viz. From grain,						
First proof - - - - -	28	do.	27			
Second, do. - - - - -	29	do.	28			
Third, do. - - - - -	31	do.	30			
Fourth, do. - - - - -	34	do.	33			
Fifth, do. - - - - -	40	do.	39			
Sixth, do. - - - - -	50	do.	49			
From other materials						
First proof, - - - - -	25	do.	24			
Second, do. - - - - -	25	do.	24			
Third, do. - - - - -	28	do.	27			
Fourth, do. - - - - -	32	do.	31			
Fifth, do. - - - - -	38	do.	37			
Sixth do. - - - - -	46	do.	45			
Spirits distilled in the United States imported in the same						

*In what proposed rates  
manner of duty when proposed  
the duties imported in rates of  
are im- ships or vessels draw-  
posed of the U. S. back.*

*Articles subject to specific rates of duty.*

ship or vessel in which they had been previously export- ed from the United States, From Molasses.				
First proof,	-	14	cts. per gal.	13
Second, do.	-	15	do.	14
Third, do.	-	16	do.	15
Fourth, do.	-	18	do.	17
Fifth, do.	-	22	do.	21
Sixth, do.	-	29	do.	28
From materials of the growth and produce of the United States,				
First proof,	-	7	cts. per gal.	6
Second, do.	-	8	do.	7
Third, do.	-	9	do.	8
Fourth, do.	-	11	do.	10
Fifth, do.	-	13	do.	12
Sixth, do.	-	18	do.	17
Spikes,	-	2	per lb.	
Shoes and slippers of silk		25	per pair	
other shoes for men and women clogs and goloshoes		16	do.	
other shoes and slippers for children,			cts. cts.	
	pr. pair.	10		
Soap,	per lb.	3		$2\frac{1}{2}$
Sugars, brown,	do.	2		$1\frac{3}{4}$
white clayed,	do.	3		$2\frac{1}{2}$
white powdered.	do.	3		—
all other clayed or powdered	do.	2		$1\frac{3}{4}$
Lump,	do.	$6\frac{1}{2}$		$5\frac{1}{2}$
Loaf,	do.	9		8
other refined sugar,	do.	$6\frac{1}{2}$		$5\frac{1}{2}$

*In what proposed rates  
manner of duty when proposed  
the duties imported in rates of  
are im- ships or vessels draw-  
posed of the U. S. back.*

*Articles subject to specific rates of Duty*

	pr. lb.	cts.	cts.
Sugar candy, -	do.	9	8
Snuff,	do.	22	
Tea from China and India.			
Tea, bohea,	do.	12	11½
fouchong and other black teas,	do.	18	17½
hyson, imperial, gunpowder or gomee,	do.	32	31
other green teas,	do.	20	19
From Europe.			
Tea, bohea,	do.	14	13
— fouchong and other black teas,	do.	21	20
— hyson, imperial, gunpowder or gomee,	do.	40	39
other green teas,	do.	24	23
From any other place.			
Tea, bohea,	do.	17	16
— fouchong and other black teas,	do.	27	26
— hyson, imperial, gunpowder, or gomee,	do.	50	49
other green teas,	do.	30	29
2 Tobacco manufactured, other than snuff,	do.	10	9
Wines in casks, bottles or other vessels.			
Wine, London particular Madeira,	pr. gal.	56	54
— Malmsey,	do.	56	54
— other Madeira Wines,	do.	49	47

*In what proposed rates  
manner of duty when proposed  
the duties imported in rates of  
are im- ships or vessels draw-  
posed of the U. S. back.*

*Articles subject to specific rates of duty.*

— Burgundy, Champaign, Rhenish and Tokay,	do.	40	38
— Sherry,	do.	35	33
— St. Lucar,	do.	32	30
— Claret and all other wines not enumerated, when imported in bot- tles or cases,	do.	32	32
— Lisbon and Oporto,	do.	28	26
— Teneriffee, Fayal Mala- ga, St. George, and other Western islands,	do.	25	23

All other Wines when other-  
wise imported than in bot-  
tles or cases,

do. 20 18

All goods, wares, and mer-  
chandise, imported in ships  
or vessels not of the United  
States, to be subject to the  
several rates of duties here-  
in before specified and enu-  
merated; with an addition  
of ten per centum thereon,  
except in the cases in which  
an additional duty is speci-  
ally laid on any goods,  
wares, or merchandise,  
which may be imported in  
such ships or vessels.



LIST OF ARTICLES exempted from duty on their importation into the United States.

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Bullion, or foreign gold or silver coin.

Tin in pigs and plates,

Pewter in pigs or bars,

Brass teutenage,

Iron and brass wire

Copper in plates, pigs and bars,

Lapis calimmaris,

Saltpetre.

Crude Sulphur

Plaster of Paris

Unmanufactured wool and wood

Dying woods

Dying drugs, viz. Oil of vitriol, Galls, Roman vitriol, Copperas, Crude tartar, Verdigris, allum

Madder and wood.

Raw hides and skins

Undressed furs of every kind.

} When imported from the river Mississippi, or by land or inland navigation from the dominions of a foreign power, immediately adjoining the United States.

Sea stores of Ships or Vessels.

Philosophical apparatus, specially imported for any seminary of learning.

Wearing apparel and other personal baggage, and the tools or implements of a mechanical trade only of persons who arrive in the United States.

Horses, Cattle, and other live stock, Mast timber, planks and boards, and generally all unmanufactured articles of the growth or product of the dominions of any foreign power, immediately adjoining the United States not being particularly enumerated as subject to duties; when directly imported

from the river Mississippi, or by land or inland navigation, from the dominions of a foreign power, immediately adjoining to the United States.

All goods intended to be re-exported to a foreign port or place in the same ship or vessel in which they shall be imported, not having been previously landed in the United States.

All goods, wares, or merchandize, brought into the United States by Ships or Vessels which may arrive in distress and which being deposited in warehouses under the direction of the proper officer of the customs, shall be exported in the Ship or Vessel in which the same arrived, or if such Ship or Vessel shall be lost or condemned as unfit for repair, which shall be exported in some other Ship or Vessel, within three months after the arrival of such goods, wares or merchandize within the United States: Provided, that the benefit of this provision shall not be extended to cases where the master and other officers of the Vessel arriving in distress shall have failed to conform to the regulations prescribed by Law, or shall have illicitly landed or concealed any goods, wares or merchandize, which arrived in such Vessel.

All articles of the growth or manufacture of the United States upon which no drawback, bounty or allowance has been paid or admitted.

Note of the alterations of existing duties, proposed by the preceding tariff.

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Unsilvered plate glass is at present subject to duties at 20 per centum ad valorem. It is proposed to reduce the duty to 15 per centum, being the general duty on glass manufactures.

Spermaceti, whale oil and other oils of sea animals, *other than the produce of the American fisheries*. This is a new item in the tariff of duties—no revenue is expected as no foreign fish oil is consumed in the United

States. The enumeration is made to settle a question which has arisen under the existing law.

Blank books,  
 Brushes,  
 Canes, walking-sticks  
 and whips,  
 Cloathing ready made,  
 Writing and wrapping  
 paper,  
 Laces, other than those  
 used by upholsterers,  
 coach-makers, and  
 saddlers,  
 Brasses, iron or steel locks,  
 hoes, hinges, anvils,  
 and vises,  
 Paste-boards, parchment  
 or vellum, saddles or  
 parts thereof,  
*Anchors,*  
*Cambricks,*  
*Gauzes,*  
*Gunpowder,*  
*Lampblack,*  
*Linen manufactures not o-*  
*therwise enumerated.*  
*Pictures and prints,*  
*Printing types,*  
*Sail Cloth,*  
*Sattins and other wrought*  
*silks,*  
*Toys not otherwise enume-*  
*rated,*  
*Woollen manufactures not*  
*otherwise enumerated.*  
*All goods not otherwise enu-*  
*merated, and not specially*  
*exempted from duties.*

Sufficient quantities of most of these articles are made in the country to supply the demands: the revenue from all of them is inconsiderable. Iron & brass manufactures in general are now subject to 15 per cent. duties—It is proposed to raise all these articles from 10 to 15 per centum principally with the view of rendering the custom-house business less complex.

All these articles are at present subject to 10 per centum ad valorem—It is proposed to increase the duties to 12½ per centum ad valorem.

*Specific Duties.*

*Ale, beer, porter, cyder or perry* in bottles—The alteration in the duty from a charge on *the gallon* of ale, beer and porter to the dozen, is proposed, merely to diminish the trouble of the officers—the duty is not increased.

*Cochineal*—this has been a free article; but little is consumed in the United States—it is supposed to be proper to subject it to a small transit duty of one and one-half cent. per pound.

*Ginger*—this is now subject to 15 per centum ad valorem—it is proposed to render the duty specific at two cents per pound.

*Playing Cards*—The duty proposed to be reduced 5 cents per pack.

*Spikes*—are now charged with one cent per pound, it is proposed to lay the same duty as on nails, with which spikes are frequently confounded.

*Wines*—It is proposed to add *Malmsey madeira* wine to the highest class—and to change the second and third qualities of Madeira wine at one and the same rate, it is found that but little wine is entered except of the first and third rates.

—*Rhenish and Tokay* wines to be classed with Burgundy and Champagne at 40 cents per gallon.

—*Sherry and St. lucar* wines—to be charged with two cents per gallon additional duties.

*Lisbon and Oporto* wines, to be charged with three cents additional duties.

*Claret* and other wines not enumerated when imported in *bottles* or *cases*, to form a new class, to be charged with thirty two cents per gallon.

*Teneriffe, Fayall, Malaga, St. George, and other western islands*—It is proposed that the duties on wines of these descriptions be increased three cents per gallon.



— Instead of the duty on *other wines*, which now vibrates between 30 cents and 11 cents per gallon, it is proposed to establish a specific duty of 20 cents per gallon.

The rates of drawback proposed to be allowed on each article are inserted in the tariff.

## C

List of articles on which it is proposed to allow no drawback.

Coaches, chariots, phaetons, chairs, chaises, solos or other carriages or parts of either.

Girandoles or parts thereof.

Looking glass, mirrors, and all silvered plate glass.

Spermaceti, whale oil, and all other oils of sea animals, other than the produce of the fisheries of the United States.

Fire and side arms, or parts thereof not otherwise enumerated.

Artificial flowers, feathers, and other ornaments for women's head dresses.

Anniseed.

Brass Cannon.

Blank books.

Bonnets, hats and caps of every kind.

Brushes of all kinds.

Cabinet wares and generally all manufactures of wood.

Canes, walking sticks or whips.

Cartridge, sheathing, writing, wrapping and other paper of all kinds.

Capers.

Cloathing ready made.

Clocks and watches or parts of either.



Cutlasses or parts thereof.

Dates and figs.

Dolls dressed or undressed or parts thereof.

Fans or parts thereof.

Fringes, laces, lines, tassels and trimmings of all kinds.

Fruits of all kinds.

Glass unsilvered plates.

Gloves and mittens of every kind

Gold, silver and plated ware, or gold or silver plate

Gold and silver lace

Glue

Hangers or parts thereof

Hair powder

Jewellery and paste-work

Leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value not otherwise particularly enumerated

Lemons and limes

Millinery ready made

Muskets and firelocks, with or without bayonets, or parts of either .

Mustard in flour

Oranges

Olives

Oil, viz. fallad, linseed and other vegetable oils

Paper hangings

Parchment or vellum

Pistols or parts thereof

Pickles of all sorts

Powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations, or compositions commonly called sweet scents, odors, perfumes, or cosmeticks, and all powders, or preparations for the teeth or gums

Plumbs and prunes

Raifins  
Starch  
Swords or parts thereof  
Wafers  
Gunpowder  
Lampblack  
Pictures and prints  
Printing types  
Toys not otherwise enumerated  
Ale, beer, porter, cyder or perry, in bottles  
- - - - - in casks or other vessels  
Boots  
Cards, playing  
— wool and cotton  
Candles of tallow, wax or spermaceti  
Cheese  
Cochineal  
Chocolate  
Cordage and yarn untarred  
Coal  
Glauber and other medicinal salts  
Lead and musket-ball, and all other manufactures of  
lead, or of which lead is the chief article  
Malt  
Nails  
Steel  
Spikes  
Shoes and slippers of all kinds  
Snuff.

(No. III.)

*Duties and Drawbacks on Wines.*

	1793		1794		1795		1796		1797	
	Dolls.	cts.	Dolls.	cts.	Dolls.	cts.	Dolls.	cts.	Dolls.	cts.
In Duties	469,834.	90	752,657.	1	867,398.	10	886,062.	43	775,322.	
Drawbacks	12,526.	11	44,564.	88	79,163.	33	299,570.	47	251,187.	
Nett	457,308.	79	708,092.13		788,233.	77	586,491.	96	524,135	

	Dolls.	cts.
1793	457,308.	79
1794	708,092.	13
1795	788,233.	77
1796	586,491.	96
1797	524,135.	

5th	3,064,261	65
Average	612,852.	33

(No. IV.)

*Duties and Drawbacks on Merchandise.*

	1794.	1795.	1796.	1797	and	1798.
In Duties	2,339,323.73	3,563,441.30	4,515,073.63	3,580,074		3,228,232
Drawbacks	19,506.47	85,828.41	240,461.16	463,906.60		510,575
Nett	2,319,817.26	3,477,612.89	4,274,612.47	3,116,167.40		2,717,657

1794	2,319,817.26
1795	3,477,612.89
1796	4,274,612.47
1797	3,116,167.40
1798	2,717,657
Average	5   15,905,867.2
	3,181,173.40

Year	1794	1795	1796	1797	1798
Duties	2,339,323.73	3,563,441.30	4,515,073.63	3,580,074	3,228,232
Drawbacks	19,506.47	85,828.41	240,461.16	463,906.60	510,575
Nett	2,319,817.26	3,477,612.89	4,274,612.47	3,116,167.40	2,717,657

(No. V.)

*Duties and Drawbacks on Brown Sugar.*

In	1793.		1794.		1795.		1796.		1797 and 1798	
	Duties	Drawback	Duties	Drawback	Duties	Drawback	Duties	Drawback	Duties	Drawback
	660,350.36	13,634.55	666,677.62	155,760.46	902,801.40	295,378.92	883,425.56	497,187.85	1,218,131	482,460
Nett	646,715.81		510,917.16		607,422.48		386,237.81		735,671	630,791
	1793		1794		1795		1796		1797	and 1798
	646,715.81		510,917.16		607,422.48		386,237.81		735,671	630,791
	1794		1795		1796		1797		1798	
	510,917.16		607,422.48		386,237.81		735,671		630,791	
	1796		1797		1798		Total			
	386,237.81		735,671		630,791		3,517,755.26			
	630,791						6			
							3,517,755.26			
							Average.			
							586,292.54			

NOTE.—Two quarters of 1798 are wanting from Philadelphia; two from Charleston; and four from Savannah; which must lessen the foregoing average more than it could have been encreased by the additional duty of one-half cent. per pound; as that duty did not commence till July 1st, 1797, and could have produced little or no effect till 1798.



*Duties and Drawbacks on Coffee.*

	1793.	1794.	1795.	1796.	1797 and 1798.
In					
Duties	1,396,652	1,680,163	2,694,902	2,829,062.26	2,820,073
Drawback	169,928	1,141,523	1,949,168.78	3,102,982.68	2,299,646
Nett	1,226,724	538,640	745,733.22	520,427	234,972
	1793	1,226,724			
	1794	538,640			
	1795	745,733.22			
	1797	520,427			
	1798	234,972			
	1796	3,266,496.22	Total.		
		273,920.42	deducted for excels of drawback over duties in 1796.		
	6	2,992,575.80			
		498,762.63	Average.		



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 350

LECTURE 1

MECHANICS

LECTURE 2

LECTURE 3

LECTURE 4

39

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R E P O R T  
OF THE  
C O M M I T T E E,

*To whom was referred,*

S O M U C H

OF THE  
PRESIDENT'S SPEECH,

AS RELATES TO

*“ A revision and amendment of the Judi-  
ciary System.”*

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1st May, 1800.

Committed to a Committee of the whole House, on  
Wednesday next.

*[Published by order of the House of Representatives.]*

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AMERICAN GEOLOGICAL SURVEY

# REPORT

The Committee on the subject of the  
of the Board of the United States  
in the United States of America  
in the year 1871  
The Committee on the subject of the  
of the Board of the United States  
in the United States of America  
in the year 1871





# R E P O R T.

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**T**HE Committee to whom was referred so much of the Speech of the President of the United States, to both Houses of Congress, at the beginning of the present session, as relates to the "Revision and amendment of the Judiciary System," having proceeded to the second general division of the subject, "The administration of Justice in the courts of the United States," have prepared a bill, containing the various provisions which they conceived it might be useful to adopt, under that head. This bill they herewith present to the House; reserving the power of making a further report, on the remaining branches of the subject referred to them.

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## A Bill,

*To provide for the more convenient and effectual administration of justice in the courts United States.*

Bills of Ex-  
ceptions,  
how to be  
obtained.

28.

1 SECTION I. **B**E it enacted by the Senate  
2 and House of Represent-  
3 atives of the United States of America, in  
4 Congress assembled, That on the trial of  
5 any issue between party and party be-  
6 fore any Circuit Court of the United  
7 States, in any case where a writ of error  
8 in the Supreme Court of the United  
9 States may by law be brought, either par-  
10 ty may pray the opinion of the court, or  
11 the direction thereof to the jury as the case  
12 may be, on any question of law arising on  
13 the fact or facts in issue, or on the evi-  
14 dence produced, or *by such party* offered  
15 to be produced in the cause; which opi-  
16 nion or direction the said court shall  
17 thereupon give; and that the party dissa-  
18 tisfied with such opinion or direction, may  
19 pray leave to except thereto, and that the  
20 court would allow such exception; and  
21 may state in writing the facts proved, or  
22 the evidence given or offered as afore-  
23 said, whereon such question of law shall  
24 arise, with the opinion or direction prayed  
25 as aforesaid, and the opinion or direction  
26 given as aforesaid, and the exception or  
27 exceptions thereto, and the point or points  
28 in which the court is supposed to have  
29 erred; and that the said court shall allow

81 and sign such bill of exceptions, if the  
 82 facts proven, or the evidence given or  
 83 offered as aforesaid, and their opinion or  
 84 direction thereon, shall be truly stated in  
 85 such bill of exceptions; and if not, shall  
 86 shall certify the points wherein such state-  
 87 ment is insufficient or erroneous, and shall  
 88 cause the said bill of exceptions to be  
 89 amended accordingly in open court, and  
 90 shall then allow and certify it; and shall,  
 91 in either case, cause the said bill of ex-  
 92 ceptions so allowed and signed, to be  
 93 lodged with the clerk of the said court,  
 94 before the verdict is taken; and that the  
 95 said bill of exceptions shall be certified  
 96 by the clerk aforesaid, under the seal of  
 97 the said court, and shall be transmitted by  
 98 him to the clerk of the Supreme Court  
 99 of the United States; which court shall  
 100 thereupon proceed in the cause according  
 101 to such bill of exceptions, as it ought to  
 102 be allowed or disallowed.

Bills of Ex-  
 ceptions,  
 how to be  
 obtained.

28.

1 SEC. 2. *And be it further enacted,* That  
 2 if any of the said Circuit Courts should be  
 3 divided in opinion, on the trial of any  
 4 action whatsoever between party and par-  
 5 ty, in which a writ of error may by law  
 6 be brought, any person or persons  
 7 affected by such decision, shall be intitled  
 8 to have, and shall be allowed his, her,  
 9 or their bill of exceptions, in the same  
 10 manner as if the opinion of the court  
 11 had been given against him, her, or  
 12 them.

Bills of Ex-  
 ceptions to  
 be allowed  
 where court  
 is divided.

29.

1 SEC 3. *And be it further enacted,* That  
 2 if, on any writ of error hereafter to be  
 3 prosecuted before the supreme court of  
 4 the United States, by plaintiff or defend-

Supreme  
 Court may  
 order new  
 trial on re-

verfal upon  
a bill of ex-  
ceptions.

39.

5 ant in any action before a circuit court of  
6 the United States, upon a bill or bills of  
7 exceptions, the judgment shall be rever-  
8 fed, and it shall appear to the said supreme  
9 court upon motion and cause shewn by  
10 the adverse party, that a new trial in the  
12 said action is necessary, in order to have  
13 the merits of the case fully and fairly de-  
14 cided between the parties; the said su-  
15 preme court shall be, and hereby is au-  
16 thorized and empowered, to award, on  
17 such terms and conditions as it shall judge  
18 necessary for bringing the merits of the  
19 said action fairly to issue, a procedendo  
20 to such circuit court, directing it to pro-  
21 ceed in the said action, and to a new trial  
22 thereof according to the terms and condi-  
24 tions aforesaid, and in the same manner  
25 as if no trial, writ of error, or reversal  
26 had taken place therein; and that the  
27 said circuit court, upon receiving the said  
28 writ of procedendo, shall proceed forth-  
29 with in the said action, pursuant to the  
30 command of such writ, and to a new trial  
31 of the said action according to the terms  
32 and conditions to be prescribed as afore-  
33 said; and that in such proceedings and  
34 new trial, the decision of the said supreme  
35 court upon the bill or bills of exceptions  
36 aforesaid, shall be final and conclusive in  
37 law as to all the points thereby so deci-  
38 ded; and that all former and future costs  
39 in such action, shall abide the final issue  
40 thereof: *Provided always*, that where a  
41 procedendo shall be awarded in manner  
42 aforesaid, the said supreme court shall  
43 cause to be thereto annexed, an authen-  
44 ticated copy of the bill or bills of excep-  
45 tions aforesaid, together with the decision



46 of the said court on the several ques-  
 47 tions arising upon such bill or bills.

1 SEC. 4. *And be it further enacted*, That  
 2 if any of the said circuit courts should be  
 3 divided in opinion in any other case,  
 4 where a writ of error would not lie, ex-  
 5 in the case of an objection to evidence  
 6 or testimony, a case, if the parties desire  
 7 it, may be stated jointly by the counsel  
 8 on both sides, and, if approved by the  
 9 court, may be transmitted to the clerk of  
 10 the supreme court of the United States;  
 11 which court shall give a decision there-  
 12 upon, and shall direct the said circuit  
 13 court to proceed in the cause, in such  
 14 manner as to law and right shall apper-  
 15 tain, by non-suiting the plaintiff, giving  
 16 judgment against the defendant, or bring-  
 17 ing the cause to trial and decision, which  
 18 ever in the opinion of the said supreme  
 19 court shall be most proper; and that the  
 20 said circuit court shall immediately pro-  
 21 ceed in such cause, according to such di-  
 22 rection; and that the counsel in the said  
 23 cause, may transmit to the clerk of the  
 24 said supreme court, a copy of their rea-  
 25 sons respectively, to be filed with the pa-  
 26 pers in the cause; and that if the parties  
 27 do not agree upon a state of the case, to  
 28 be transmitted as aforesaid, the said circuit  
 29 court shall direct a second argument there-  
 30 of, and, if again divided in opinion there-  
 31 on, shall cause a state of the case with  
 32 their reasons, if they think proper, to be  
 33 proposed and transmitted, in manner a-  
 34 foresaid, for the opinion and direction of  
 35 the said supreme court, which opinion and  
 36 direction the said court, in such case, is  
 37 hereby authorized and empowered to give,

Case stated  
 for supreme  
 court; in  
 what cases.



Cases stated &c. 38 in the manner and to the effect herein be-  
 39 fore prescribed; and that the said opinion  
 40 and directions, being given and returned  
 41 in manner aforesaid, shall be conformed  
 42 to and observed by the said circuit court,  
 43 before which the said cause shall immedi-  
 44 ately be proceeded in, conformably to  
 45 such opinion and directions.

Final judgment or decree subject to case stated; in what cases allowed. 1 SEC. 5. *And be it further enacted*, That  
 2 in any suit or action depending or to de-  
 3 pend in any of the said circuit courts, or  
 4 in any court of admiralty of the United  
 5 States, such court shall be and hereby is  
 6 authorized and empowered, with the con-  
 7 sent of the parties and not otherwise, to  
 8 render a final judgment or decree, as the  
 9 case may be, subject to the opinion of the  
 10 supreme court of the United States, upon  
 11 a case to be stated by the parties or their  
 12 counsel, and approved by such court;  
 13 which case so to be stated and approved,  
 14 shall be signed by the clerk or register of  
 15 the court where such final judgment or  
 16 decree shall have been rendered, and by  
 17 him certified under the seal of such court,  
 18 and by him transmitted, together with a  
 19 copy of the whole record in the cause, if  
 20 desired by either of the parties therein, to  
 21 the clerk of the said supreme court, which  
 22 court shall be and hereby is, authorized  
 23 and required to proceed in the case so  
 24 stated, and to make such decision thereon,  
 25 for confirming, annulling, or changing the  
 26 aforesaid judgment or decree, as to law  
 27 and right shall appertain.

Parties may appear by counsel on cases stated. 1 SEC. 6. *And be it further enacted*, That  
 2 in any case stated pursuant to this act, both  
 3 parties may appear and be heard by coun-  
 4 sel, in the supreme court of the United

5 States; but, that if both parties do not ap- cases allow-  
 6 pear, the said court shall nevertheless give ed.  
 7 an opinion and directions in the case, in  
 8 the manner hereby directed, without re-  
 9 quiring appearance or argument: *Provi-*  
 10 *ded always*, That in such cases, the said  
 11 court shall cause the case stated to be read  
 12 openly and in full court, and may hear  
 13 argument from any counsel in the cha-  
 14 racter of an *amicus curiæ*.

1 SEC. 7. *And be it further enacted*, That Supreme  
 2 the said supreme court, upon the hearing court, on  
 3 of any bill of exceptions or case stated, in hearing case  
 4 manner aforesaid, shall be, and hereby is, stated or bill  
 5 authorized and empowered, in its discre- of excepti-  
 6 tion, to order either of the parties thereto, ons, may or-  
 7 to produce any record, deed or other wri- der produc-  
 8 ting, in his, her or their possession or pow- tion of  
 9 er, which the said court may think it ne- books, &c.  
 10 cessary to view or inspect, for the proper  
 11 decision of the cause, and to take such  
 12 order as it shall deem proper, for com-  
 13 pelling such production.

1 SEC. 8. *And be it further enacted*, That How su-  
 2 if any bill of exceptions, or any case stated, preme court  
 3 as herein before provided, in any civil shall proceed  
 4 action, shall, in the opinion of the supreme where case  
 5 court of the United States, be so imper- stated or bill  
 6 fect or defective, as to render an amend- of excepti-  
 7 ment or amendments thereof necessary, ons is defec-  
 8 for the proper decision of the cause upon tive.  
 9 its whole merits, the said court shall be  
 10 and hereby is authorized and empowered  
 11 to permit such amendment or amendments  
 12 to be made in open court, provided the  
 13 parties respectively or their counsel, can  
 14 agree on the same, and will consent there-  
 15 to; and to proceed to the hearing and  
 16 decision of the case upon such amendment

17 or amendments; and that if the said par-  
 19 ties or their counsel respectively, cannot  
 20 agree on such amendment or amend-  
 21 ments, or will not consent thereto, the  
 22 said court, in that case, shall be, and  
 23 hereby is authorized and empowered, at  
 24 the cost and expences of both or either  
 25 of the parties at its discretion, to send  
 26 back the said case stated, or bill of ex-  
 27 ceptions, to the circuit court from which  
 28 it shall have been transmitted, and to or-  
 29 der a new trial in such court, or a new  
 30 case to be stated and sent up, as shall ap-  
 31 pear to the said supreme court to be most  
 32 proper.

Special ver-  
 dict, or case  
 stated by  
 consent, in  
 case of in-  
 dictments.

1 SEC. 9. And to the end that time may  
 2 be afforded for due deliberation, in cri-  
 3 minal cases of importance and difficulty,  
 4 *be it further enacted*, That on the trial  
 5 of any indictment, for any infamous or  
 6 capital crime, in any circuit court of the  
 7 United States, such court may, in its dis-  
 8 cretion, direct a special verdict, or, with  
 9 the consent of the attorney of the district,  
 10 and of the person indicted, may take a  
 11 verdict of guilty subject to the opinion of  
 12 the supreme court of the United States,  
 13 on a case stated; in which case a writ of  
 14 error may be brought to the said supreme  
 15 court, if a writ of error would, by law  
 16 lie on a verdict and judgment on such  
 17 indictment.

Commission-  
 ers of special  
 bail, &c.  
 how to be  
 appointed.

1 SEC. 10. *And be it further enacted*,  
 2 That the circuit and district courts of  
 3 the United States respectively, shall be,  
 4 and hereby are authorized and empow-  
 5 ered to appoint from time to time, within  
 6 each of their respective districts and jurif-  
 7 dictions, a sufficient number of suitable



8 persons, to be within such districts and  
 9 jurisdictions, commissioners of special bail  
 10 and commissioners to examine witnesses;  
 11 and at their pleasure, to remove the per-  
 12 sons by them respectively so appointed,  
 13 and appoint others in the place and stead  
 14 of those removed; and to make out and  
 15 assign to each of the said commissioners  
 16 his particular divisions, within which he  
 17 shall act as commissioner.

1 SEC. 11. *And be it further enacted,* That  
 2 the commissioners so to be appointed as  
 3 aforesaid, and each of them, shall have  
 4 power within their respective divisions to  
 5 them and each of them to be assigned as  
 6 aforesaid, to take special bail, where al-  
 7 lowed by law, in civil suits or actions,  
 8 depending or commenced before the court  
 9 respectively, whereby they shall have been  
 10 so appointed; and to convene before them  
 11 respectively by notice or summons, under  
 12 their respective hands and seals, which  
 13 they are hereby authorized and empow-  
 14 ered to issue, all such persons residing or  
 15 being within their divisions respectively,  
 16 as it may be allowed by law to examine  
 17 on interrogations in any civil action or  
 18 suit, depending in the courts respectively  
 19 whereby they shall have been so appoint-  
 20 ed; and to examine on oath such person  
 21 or persons so convened, upon interroga-  
 22 tories and cross interrogatories to be ex-  
 23 hibited by the parties respectively; or on  
 25 interrogatories to be exhibited by either  
 26 party alone, provided the adverse party,  
 27 being served with at least twenty days no-  
 28 tice in writing that such examination is  
 29 intended, and of the time and place there-  
 30 of, and that the said interrogatories have

Powers of  
 the commis-  
 sioners.

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32 been exhibited and are filed before the  
 33 said commissioners, which service shall be  
 34 made by delivering such notice to the  
 35 said adverse party, or leaving the same at  
 36 his, her or their usual place of abode,  
 37 if within the district where such examina-  
 38 tion is to take place, and if not, by deli-  
 39 vering the same to his, her, or their at-  
 40 torney, shall refuse or neglect to attend  
 41 at the same time and place, and exhibit  
 42 cross-interrogatories; and that the said  
 43 commissioners shall also have power as  
 44 as aforesaid, to return such interrogato-  
 45 ries, cross-interrogatories and examina-  
 46 tions, duly certified and sealed up, to the  
 47 court where such suit or action shall be  
 48 depending; and to administer all oaths  
 49 which may be necessary in taking such  
 50 examination.

Examina-  
 tions to be  
 received as  
 evidence.

1 SEC. 12. *And be it furthor enacted,* That  
 2 all examinations taken, certified and re-  
 3 turned in manner aforesaid, shall be ad-  
 4 mitted and received as evidence in the  
 5 suits or actions wherein the same shall be  
 6 so taken respectively; saving to each par-  
 7 ty therein, all right of exception to the  
 8 regularity of such examination, and to  
 9 the competency of any witness so to be  
 10 examined.

Proceedings  
 against per-  
 sons failing  
 to attend be-  
 fore com-  
 missioners.

1 SEC. 13. *And be it further enacted,* That  
 2 if any person shall be served with a notice  
 3 or summons, issued by any such commis-  
 4 sioner as aforesaid, and requiring such  
 5 person to attend before such commission-  
 6 er, at a time and place therein to be stated,  
 7 in order to be examined in manner afore-  
 8 said; which service shall be made by de-  
 9 livering to such person, or leaving at his  
 10 or her usual place of abode, a copy of



11 such notice, at least ten days before the  
 12 time thereby appointed for such person's  
 13 attendance, and shall refuse or neglect to  
 14 attend pursuant to such notice or summons;  
 15 then such person so refusing or neglecting,  
 16 shall, on due proof of such neglect or re-  
 17 fusal, and of the service of such notice or  
 18 summons, be proceeded against, in and  
 19 by the court before which the suit or  
 20 action wherein such person's examination  
 22 was intended to be produced, shall be  
 23 pending, in the same manner, and shall  
 24 be liable to the same pains and  
 25 penalties, as are or shall be practised and  
 26 provided, in the case of persons refusing  
 27 or neglecting to attend on subpoena issued  
 28 by or from such court: *Provided always,*  
 29 that no person shall be obliged to attend  
 30 in manner aforesaid, before any other  
 31 commissioner than that within whose di-  
 32 vision such person shall reside; nor to go  
 33 without the limits of the said division, for  
 34 the purpose of being examined in manner  
 35 aforesaid.

1 SEC. 14. *And be it further enacted,* That Fees to com-  
 2 the said commissioners shall be, and here- missioners.  
 3 by are, authorized and impowered, to  
 4 demand and receive from the persons ap-  
 5 plying for any of the aforesaid services  
 6 respectively, before the same are perform-  
 7 ed, the following fees for the said services  
 8 respectively; *that is to say;* for every sum-  
 9 mons or notice to any person to attend as  
 10 a witness, fifty cents, and for the exami-  
 11 nation of every witness one dollar; which  
 12 fees shall be taxed with the costs of the suit  
 13 or action, wherein such examination shall  
 14 be produced in manner aforesaid.

Powers of  
commission-  
ers, as com-  
missioners of  
the peace.

1 SEC. 15. *And be it further enacted,* That  
2 the said commissioners shall also be com-  
3 missioners of the peace for the United  
4 States, and shall have power, each within  
5 his particular division as aforesaid, and  
6 are hereby authorized to receive informa-  
7 tion or complaint relative to all offences  
8 against the United States; to administer  
9 all necessary oaths touching such informa-  
10 tion or complaint; and to issue warrants  
11 under their hands and seals respectively,  
12 against the person or persons charged on  
13 oath before them respectively with such  
14 offences, either as principals or accessa-  
15 ries; which warrants shall be directed to  
16 the marshal of the district or any of his  
17 lawful deputies, and shall command him  
18 or them to apprehend such offender or  
19 offenders, and to bring him, her, or them  
20 before the nearest commissioner of the  
21 peace for the United States, to be dealt  
22 with according to law, and that the said  
23 commissioners of the peace shall also have  
24 power within their respective divisions as  
25 aforesaid, and are hereby authorized to  
26 examine, discharge, or commit, as to law  
27 shall appertain, all offenders so brought  
28 before them respectively; or, in cases of  
29 offences liable by justices of the peace by  
30 the laws of the state, to take bail for the  
31 appearance of such offenders before the  
32 proper court of the United States, to an-  
33 swer for the said offences; and shall also  
34 have power as aforesaid, to bind over all  
35 necessary witnesses in recognizance, to ap-  
36 pear and give testimony against such of-  
37 fenders; and shall also have power within  
38 their respective divisions as aforesaid, to  
39 bind to the peace and to the good beha-

40 viour, and to administer all lawful oaths,  
 41 in all cases arising under or relating to the  
 42 authority, or laws of the United States.

1 SEC. 16. *And be it further enacted*, That  
 2 the said commissioners of the peace shall  
 3 be, and hereby are authorized and impow- Their fees as  
 4 ered, to demand and receive for the ser- commissiona  
 5 vices last aforesaid respectively, and from ers of the  
 6 the person or persons requiring such ser- peace.  
 7 vices respectively, the following fees,  
 8 that is to say: for every oath administer-  
 9 ed, twelve cents and five mills; for eve-  
 10 ry deposition in writing, twenty-five cents;  
 11 for every warrant of arrest, twenty-five  
 12 cents; for every warrant of commitment,  
 13 twenty-five cents; for every recognizance  
 14 for appearance, fifty cents; and for every  
 15 recognizance for the peace or good beha-  
 16 viour, seventy-five cents: *Provided al-*  
 17 *ways*, that where any of the said services  
 18 shall be performed for and on behalf of  
 19 the United States, on the application of  
 20 any officer thereof, or otherwise, the said  
 22 fees shall be allowed and paid in the same  
 23 manner, and out of the same fund, as is  
 24 or shall be provided and directed by law,  
 25 respecting the attendance of jurors and  
 26 witnesses in the courts of the United  
 27 States.

1 SEC. 17. *And be it further enacted*, That  
 2 every marshal of the United States, shall Deputy  
 3 be, and hereby is, authorized and required Marshals.  
 4 to appoint within his district, by and with  
 5 the consent and approbation of the circuit  
 6 court of the United States therein, a suit-  
 7 able number of persons, not less than one  
 8 for each commissioner's division as afore-  
 9 said, to be deputy marshals within such dis-  
 10 trict, and to do and perform therein all  
 11 the duties to the said appointment in any



12 wise appertaining ; which deputy marshals  
 13 or any of them, the said marshal may re-  
 14 move at his pleasure, and may, in manner  
 15 aforesaid, appoint others in the place and  
 16 stead of those removed.

Examina-  
 tion of wit-  
 nesses, in  
 what cases to  
 be by com-  
 mission.

1 SEC. 18. *And be it further enacted,* That  
 2 in all cases of equity, all civil causes of  
 3 admiralty and maritime jurisdiction, all  
 4 cases of prize or no prize, and all cases of  
 5 capture depending or to depend in any of  
 6 the circuit or district courts of the United  
 7 States, the examination of all witnesses  
 8 shall be by commission and interrogatories,  
 9 according to the principles and usages re-  
 10 ceived and practised in courts of equity  
 11 and admiralty ; unless such court should,  
 12 in any special case, think proper to order  
 13 the examination of any witness or wit-  
 14 nesses in open court ; which such court is  
 15 hereby authorized to do, on motion by  
 16 either party and cause shewn, or without  
 17 motion at its discretion.

Subpœnas  
 not to run  
 beyond the  
 district.

1 SEC. 19. *And be it further enacted,* That  
 2 no subpœna to compel the attendance of  
 3 any witness before any of the said circuit  
 4 courts, except in criminal cases, shall run  
 5 beyond the limits of the district in and for  
 6 which such court shall be holden.

Commis-  
 sions to exa-  
 mine witness-  
 es in chief ;  
 in what cases  
 and how ob-  
 tained.

1 SEC. 20. *And be it further enacted,* That  
 2 if either party in any action depending in  
 3 any of the aforesaid circuit courts, shall  
 4 suggest, in writing to such court, that some  
 5 person, whose name and reputed place of  
 6 residence shall be stated in such suggesti-  
 7 on, is a material witness for such party,  
 8 and resides without the district wherein  
 9 such court shall be held, or at the distance  
 10 of                    miles or upwards from the  
 11 place where such court shall be held, and

12 is, to the best of such party's information  
13 and belief, a competent witness in the said  
14 action, and that the said party cannot  
15 safely proceed to trial without the testi-  
16 mony of such witness; and shall, if thereto  
17 required by such court, make proof to the  
18 satisfaction of such court, by the oath of  
19 such party, or of some other creditable  
20 person or persons, that the matter con-  
21 tained in such suggestion is true; then and  
22 in every such case, it shall be the duty of  
23 such court, and the same hereby is autho-  
24 rized and required, to direct the clerk of  
25 such court to issue a commission to such  
26 persons, not being interested in the event  
27 of the said action, nor nearly related by  
28 blood or marriage to either or any of the  
29 parties therein, nor attorney, counsel, so-  
30 licitor, factor, agent or partner of any such  
31 party, to be struck in the manner herein  
32 after directed, authorizing and requiring  
33 such persons to take the examination and  
34 deposition of such witness, and of any other  
35 witness or witnessess, that shall be produced  
36 before them by either of the parties in such  
37 action; which examination shall be duly  
38 certified to the said court under the hands  
39 and seals of the said commissioners, and  
40 thereto returned by them sealed up, and  
41 when so certified and returned shall be ad-  
42 mitted and received as evidence in the said  
43 action, between the said parties or their  
44 representatives: *Provided*, that all right of  
45 exception to the regularity of such com-  
46 mission and examination, and to the com-  
47 petency of any witness so examined, shall  
48 be saved to each party; and that where  
49 any witness not named in the original sug-  
50 gestion aforesaid, shall be produced and



51 examined as aforesaid, the testimony of  
 52 such witness shall not be read, until satis-  
 53 factory proof shall be made to such court,  
 54 on the oath of some credible person, that  
 55 such witness, at the time of such examina-  
 56 tion, did reside without the district aforesaid,  
 57 or at the distance of \_\_\_\_\_ miles  
 58 or upwards from the place aforesaid.

Examina-  
 tion de be-  
 ne esse, in  
 what cases  
 and how al-  
 lowed.

1 SEC. 21. *And be it further enacted*, That  
 2 if either party, in any action depending in  
 3 any of the aforesaid circuit courts, shall  
 4 suggest in writing to such court, that some  
 5 person, whose name and reputed place of  
 6 residence shall be stated in such suggestion  
 7 and who shall reside within the district in  
 8 and for which such court shall be held,  
 9 and within \_\_\_\_\_ miles of the place  
 10 where such court shall be held, is a mate-  
 11 rial witness for such party; and is, to the  
 12 best of such party's information and belief,  
 13 a competent witness in the said action;  
 19 and is so infirm from old age, sickness,  
 20 or accident, as to be unable to attend at  
 22 such court; or is about to march out of  
 23 the said district on public service, as an  
 24 officer or soldier in the army of the  
 25 United States, or in the militia of any  
 26 State; or is an officer, seaman or ma-  
 27 rine in the navy of the United States;  
 28 or is about to depart from the said dis-  
 28 trict on a voyage beyond seas; or that  
 29 some fact, which such party is advised  
 30 and believes is material in the said ac-  
 31 tion, can be proved only by the testi-  
 32 mony of the witness named in the said  
 33 suggestion as aforesaid; and shall, if there-  
 34 to required by such court, give satisfac-  
 35 tory proof to such court of the truth of  
 36 the matter of such suggestion, by the oath

37 of such party, or of some other credible Examina-  
 38 person or persons; then, and in every tion, &c.  
 39 such case it shall be the duty of such  
 40 court, and the same hereby is authorized  
 41 and required, to cause the examination  
 42 of such witness to be taken, certified  
 43 and returned in the manner prescribed  
 44 by the foregoing section, relative to the  
 45 examination of witnesses therein men-  
 46 tioned; and that the said examination,  
 47 so taken, certified and returned, shall be  
 48 admitted and received as evidence at the  
 49 trial of the said action, between the said  
 50 parties or their representatives, if such  
 51 witness shall die before the trial, or shall  
 52 be unable by reason of bodily infirmity,  
 53 to attend thereat; or shall not return to  
 54 the district before the trial; or cannot, by  
 55 reason of any matter or thing not in the  
 56 power of the party wishing to produce  
 57 such evidence, be forthcoming at the tri-  
 58 al to be examined in chief; of which  
 59 death, inability, absence, matter or thing,  
 60 satisfactory proof on oath shall be made  
 61 to the said court, before such evidence  
 62 shall be admitted and received: *Provided*,  
 63 that all right of exception to the regula-  
 64 rity of any such commission or examina-  
 65 tion, and to the competency of any such  
 66 witness, shall be saved to each party.

1 SEC. 22 *And be it further enacted*, That Examina-  
 2 all examinations of witnesses, to be taken tion by com-  
 3 under any commission issued by any court mission to be  
 4 of the United States, shall be taken on made on in-  
 5 interrogatories to be lodged by the party terrogatories  
 6 obtaining such commission, with the clerk  
 7 of the court granting the same, at least  
 8 ten days before the issuing of such com-  
 9 mission, and to be annexed thereto by the

10 said clerk; and that the adverse party  
 11 may, at any time before the issuing of  
 12 such commission, have access to the said  
 13 interrogatories, and may file with the said  
 14 clerk cross interrogatories thereto, which  
 15 cross interrogatories shall also be annexed  
 16 by the said clerk to such commission, and  
 17 shall be administered in like manner with  
 18 the interrogatories aforesaid, to the wit-  
 19 nesses which shall be produced for exa-  
 20 mination.

Answers to  
 leading in-  
 terrogatories  
 to be sur-  
 pressed

1 SEC. 23. *And be it further enacted*, That  
 2 if any court of the United States, which  
 3 shall have granted any commission to ex-  
 4 amine witnesses, shall, on the return and  
 5 publication thereof, consider any interro-  
 6 gatory or cross-interrogatory thereto an-  
 7 nexed as aforesaid, as leading or directory,  
 8 in whole or in part, as to any matter ma-  
 9 terial in the cause, the answer or deposi-  
 10 tion to such interrogatory or cross-intero-  
 11 gatory only, or to such part thereof as  
 12 shall be leading or directory, shall be sup-  
 13 pressed by such court, without prejudice  
 14 to the remaining part of the examination.

Examina-  
 tion by con-  
 sent of par-  
 ties.

1 SEC. 24. *And be it further enacted*, That  
 2 if both parties, in any action depending  
 3 before any of the said circuit courts, shall  
 4 apply to such court, for the examination,  
 5 out of court, of any witness or witnesses in  
 6 such action, by mutual consent, such court  
 7 shall be, and hereby is, authorized to  
 8 make a rule for the examination of such  
 9 witness or witnesses, in such manner, at  
 10 such time, and place, and on such condi-  
 11 tions, as shall be agreed on by the said par-  
 12 ties, and shall appear proper to the said  
 13 court; which manner, time, place and  
 14 conditions shall be expressed in such rule,



15 together with time and manner of return-  
 16 ing such examination, and that the exami-  
 17 nation and depositions taken and returned  
 18 pursuant to such rule, shall be admitted  
 19 and received as evidence on the trial of  
 20 the said action, between the said parties or  
 21 their representatives; saving to each party  
 22 all right of exception, to the competency  
 23 of any such witness, for or by reason of any  
 24 matter, arising or discovered after such  
 25 application as aforesaid shall have been  
 26 made.

1 SEC. 25. *And be it further enacted,* That Perpetua-  
 2 if any person shall suppose him or herself tion of testi-  
 3 to be interested in the proof of any matter mony.  
 4 or thing, which hath come or may come  
 5 into litigation before any court of the  
 6 United States, and which rests in the  
 7 knowledge of any other person; and shall  
 8 be desirous to perpetuate the testimony of  
 9 such witness, touching such matter or thing;  
 10 it shall be lawful for such person to take,  
 11 on interrogatories, the examination and  
 12 deposition of such witness, touching such  
 13 matter or thing, before any judge of the  
 14 United States, or before the commission-  
 15 er to examine witnesses, to be appointed  
 16 by virtue of this act, within whose division  
 17 such witness shall reside; such judge or  
 18 commissioner not being nearly related to  
 19 the said person, nor his or her attorney,  
 20 counsel, solicitor, factor, agent, or part-  
 29 ner: *Provided* that at least sixty days no-  
 30 tice, of the time and place of taking such  
 31 examination and deposition, be given to  
 32 the person or persons against whom the  
 33 same is intended to be used or, in case of  
 34 minority or of absence from the district,  
 35 to his or her agent, or attorney in fact, or

Perpetua-  
tion, &c.

36 guardian, as the case may be; and *Pro-*  
 37 *vided also*, that if the person or persons  
 38 against whom such examination and depo-  
 39 sition is intended to be used, should be  
 40 under age, or absent from the district, and  
 41 should have no agent or attorney in fact or  
 42 guardian therein, then such notice as is  
 43 aforesaid, shall be published for twelve  
 44 successive weeks, in two or more public  
 45 newspapers within such district, if there be  
 46 so many: and the examinations and depo-  
 47 sitions so taken, being first duly certified  
 48 under the hand and seal of the judge or  
 49 commissioner taking them, shall, together  
 50 with the interrogatories aforesaid, and the  
 51 cross-interrogatories of the adverse party  
 52 if any, and due proof of the notice afore-  
 53 said, be lodged with the clerk of the cir-  
 54 cuit court, for the district within which the  
 55 same shall have been taken, and shall be  
 56 by him recorded; and such examination  
 57 and deposition, whether taken before or  
 58 after the commencement of any action or  
 59 suit, between the parties or their repre-  
 60 sentatives, or a transcript of the record  
 61 thereof under the seal of the court where  
 62 recorded, shall be admitted and received  
 63 as evidence, in any such action or suit, in any  
 64 Court of the United States, or in any  
 65 arbitration thereon, to be made by rule  
 66 or order of any such Court; if such wit-  
 67 nesses or witnesses should die before the  
 68 hearing or trial in such action or suit, or  
 69 before such arbitration; or cannot by  
 70 reason of any matter or thing not in the  
 71 power of the party wishing to produce  
 72 such evidence, be forthcoming to be  
 73 examined in chief on such trial hearing  
 74 or arbitration; of which death or inabi-



75 lity satisfactory proof shall be made to  
 76 the Court before the said evidence shall  
 77 be received: *Provided*, that all right of  
 78 exception to the competency of any wit-  
 79 nesses so to be examined, and to the re-  
 80 gularity of such examination, shall be  
 81 saved to both parties.

1 SEC. 26. *And be it further enacted*, That Mode of  
 2 that in all cases of Commissions for the striking com-  
 3 examination of witnesses, to be issued by missioners.  
 4 any Court of the United States, the com-  
 5 missioners shall be struck in manner fol-  
 6 lowing; that is to say: The party pray-  
 7 ing the commission shall file in Court a  
 8 list of four commissioners, and shall  
 9 serve a copy thereof on the adverse party,  
 10 or his attorney; whereupon the said ad-  
 11 verse party, or his attorney, shall also  
 12 file a list of four commissioners; and in  
 13 case of failure or neglect of such party  
 14 and his Attorney, to do so, within two  
 15 days after the serving of the above men-  
 16 tioned copy, the clerk, under the direc-  
 17 tion of the court, shall make out such  
 18 list; after which the two parties shall  
 19 strike out one name alternately, the ad-  
 20 verse party beginning, and the clerk  
 21 under the direction of the court, strik-  
 22 ing out for him, if he or his attorney  
 23 should refuse or neglect to do so, till the  
 24 eight persons so named, are reduced to  
 25 four, the commission shall issue, autho-  
 26 rising them or any two of them, to pro-  
 27 ceed in and execute such commission.

1 SEC. 27. *And be it further enacted*,  
 2 That the commissioners so to be ap- Commission-  
 3 pointed, under any commission issued as ers may ap-  
 4 aforesaid, and who shall qualify in man- point clerk.  
 5 ner herein directed, or a majority of

6 them, shall have power to appoint some  
7 fit person to be their clerk under the said  
8 commission.

Oath of com-  
missioners  
and clerks.

1 SEC. 28. *And be it further enacted,*  
2 That every person appointed a commis-  
3 sioner, or clerk, in manner aforesaid,  
4 shall before he acts as such, take and  
5 subscribe the same oath or affirmation,  
6 as is usually prescribed to commissioners  
7 and clerks, appointed under commissions  
8 issuing from Courts of Equity.

Commis-  
sioners may  
issue subpœ-  
nas and ad-  
minister  
oaths.

1 SEC. 29. *And be it further enacted,*  
2 That the commissioners who shall duly  
3 qualify, under any commission to be is-  
4 sued by any court of the United States,  
5 or a majority of them, shall be, and  
6 hereby are, authorized, and impowered,  
7 to issue subpœnas for witnesses, to ap-  
8 pear before them and be examined un-  
9 der such commission, and to administer  
10 all lawful oaths for the purpose of such  
11 examination; and that persons duly ser-  
12 ved with any such subpœna, and failing  
13 to attend pursuant thereto, may and shall,  
14 on complaint to the court from whence  
15 such commission issued, or to the Circuit  
16 Court of the United States, for the dis-  
17 trict within which such persons shall re-  
18 side or be found, and due proof of such  
19 service and failure, be proceeded against  
20 by such court, as for a contempt; and  
21 shall moreover be liable to all the pains  
22 and penalties, whereto persons who fail  
23 to attend, when duly served with a sub-  
24 pœna from any Circuit Court of the  
25 United States, are or shall be liable  
26 by law.

1 SEC. 30. *And be it further enacted,*  
2 That the expence of executing any com-

3 mission, to be issued as aforesaid, as al- Expence of  
 4 lowed by the court from whence the commission to  
 5 same shall issue, shall be taxed with the be taxed with  
 6 costs of the suit. the costs.

1 SEC. 31. *And be it further enacted,* Courts  
 2 That the court issuing any commission as granting  
 3 aforesaid, shall be, and hereby is, au- commissions  
 4 thorized and impowered, to make, from may make  
 5 time to time, such order on either party, order respec  
 6 for expediting and returning such com- ting their re-  
 7 mission, making due allowance for dis- turn.  
 8 tance and other circumstances, as such  
 9 court may think proper and necessary,  
 10 for preventing unnecessary or wilful de-  
 11 lay.

1 SECT. 32. *And be it further enacted,* Not more  
 2 That in taxing costs against any party than 3 wit-  
 3 from whom they shall be recovered, in- nesses allow-  
 4 any court of the United States, the ed for proof  
 5 charge of more than three witnesses, for of one fact.  
 6 the proof of any matter of fact, shall  
 7 not be allowed, without the order of the  
 8 court wherein judgment shall be render-  
 9 ed, or decree given.

1 SECT. 33. *And be it further enacted,* Judgment  
 2 That any suit or action, instituted or de- on awards.  
 3 pending in any court of the United  
 4 States, may, by consent of parties and  
 5 rule of such court, be referred to the  
 6 arbitrament and award of any person or  
 7 persons, to be named by such parties ;  
 8 and upon such terms and conditions, as  
 9 they shall mutually agree on ; and that the  
 10 said terms and conditions, and the name  
 11 or names of such referee or referees, shall  
 12 be expressed in such rule of court ; and  
 13 that such court shall give judgment upon  
 14 the award of such referee or referees,  
 15 being made and returned pursuant to



Judgment  
on awards. 16 such rule of court, as of the court to  
17 which the same shall be returned; and  
18 may award execution thereon, in the  
19 same manner as upon verdict confession  
20 or non-suit; and that such judgment  
21 shall have the same effect, to all intents  
22 and purposes, as any judgment upon con-  
23 fession or verdict. *Provided always*, that  
24 such award shall remain in court, during  
25 its sitting, five days after the return  
26 thereof exclusive of the day of return,  
27 before any judgment shall be given;  
28 and that no such judgment shall be en-  
29 tered without motion and order of the  
30 court, or shall be moved for without  
31 three days notice to the adverse party,  
32 or his attorney at law or in fact, accom-  
33 panied by a copy of the award whereon  
34 the motion is to be made.

Awards  
how set aside. 1 SEC. 34. *And be it further enacted*,  
2 That if, any time before judgment shall  
3 be given and entered, in manner afore-  
4 said, upon any award, it shall appear to  
5 the court whereto such award shall have  
6 been returned that the same was obtained  
7 by fraud, or by mal-practice in the re-  
8 feree or referees, or any of them, or by  
9 surprize imposition or deception, prac-  
10 tised on them or any of them, by either  
11 of the parties; or was made without  
12 due notice to the parties or either of  
13 them, or to their or either of their at-  
14 tornies at law, or in fact; then and in  
15 either of the said cases, such court shall  
16 be, and hereby is authorized to set aside  
17 such award, and to order the cause to be  
18 proceeded in as if no reference had taken  
19 place, or to make a new rule of re-  
20 ference, in manner aforesaid, if the par-  
21 ties shall mutually consent thereto.

1 SECT. 35. *And be it further enacted,* Referee dy-  
 2 That if any referee appointed by the ing or refus-  
 3 parties, upon any rule of reference as a- ing to act—  
 4 foresaid, shall die before the return of an place how  
 5 award, or shall refuse to act, the court supplied.  
 6 whereby such rule was made, or any  
 7 judge thereof, shall be, and hereby is,  
 8 authorized and empowered, on applica-  
 9 tion of both parties or their attornies,  
 10 and with their mutual consent, in case  
 11 the referee so dying or refusing should  
 12 appear by the said rule to have been  
 13 mutually chosen by the parties; and in  
 14 case the said referee should appear, by  
 15 the said rule, to have been chosen by  
 16 one party only, then on application of  
 17 that party or his or her attorney, with  
 18 reasonable notice to the opposite party  
 19 or his or her attorney; to appoint ano-  
 20 ther referee in the place and stead of the  
 21 referee so dying or refusing to act; and  
 22 that the referee so to be appointed, shall  
 23 have the same powers and authorities,  
 24 touching the matter or matters in con-  
 25 troversy, as shall have been given by  
 26 the original rule of reference, to the re-  
 27 feree so dying or refusing to act.

1 SECT. 36. *And be it further enacted,* What shall  
 2 That if any rule of reference shall be be done  
 3 granted as aforesaid, and either of the where par-  
 4 parties in the action shall die before a- ties die be-  
 5 ward returned and judgment thereon, fore award  
 6 such action shall not abate by reason of  
 7 the death of such party; but the re-  
 8 ferees under such rule, upon reasonable  
 9 notice by the surviving party or his or  
 10 her attorney to the legal representatives  
 11 of the deceased, or to the person or per-  
 12 sons succeeding to the interest of him or



13 her in the matter or thing in controver-  
 14 sy, shall proceed to make and return  
 15 their award thereon, in manner afore-  
 16 said, which shall be proceeded on in the  
 17 same manner, as if neither of the parties  
 18 had died.

What pro-  
 ceedings,  
 where award  
 is not return-  
 ed in time.

1 SECT. 37. *And be it further enacted,*  
 2 That all actions referred pursuant to this  
 3 act, shall be continued until an award  
 4 shall be returned; and that if, in any ac-  
 5 tion so referred, no award shall be re-  
 6 turned within six months after reference  
 7 as aforesaid, the court granting the rule  
 8 of reference, shall be, and hereby is, au-  
 9 thorized at its discretion, to compel the  
 10 referees under such rule, by rule or or-  
 11 der or other proceeding, to return their  
 12 award, or to assign their reasons for not  
 13 doing so; or may at its discretion and  
 14 on motion of either party, direct such  
 15 action to be reinstated, and tried as if no  
 16 rule of reference had been made there-  
 17 in, and upon such terms and conditions  
 18 as the said court may think necessary,  
 19 for bringing the merits of the case fair-  
 20 ly to trial; and that all former and fu-  
 21 ture costs in such action, shall abide the  
 22 event of such trial.

In case of  
 reference act  
 of limitati-  
 ons not to run

1 SECT. 38. *And be it further enacted,*  
 2 That where any action shall have been  
 3 referred, pursuant to this act, and any of  
 4 the referees or either of the parties there-  
 5 in, shall die before award returned, or  
 6 any of the said referees shall refuse to  
 7 act, or the award therein shall be return-  
 8 ed and set aside by the court, then and  
 9 in any of the said cases, all the space of  
 10 time, from the suing forth of the origi-  
 11 nal process in such action, until the death

12 refusal or setting aside aforesaid, as the  
 13 case may be, shall not run, or be reck-  
 14 oned as part of the time limited by law  
 15 for bringing such action; and that this  
 16 provision may be taken advantage of,  
 17 in bar of the act of limitations, on the  
 18 general replication, without specially  
 19 pleading the same.

1 SECT. 39. *And be it further enacted,*  
 2 That if the defendant in any action, in Mutual  
 3 any court of the United States, for the debts may be  
 4 recovery of any debt founded on con- sett-off.  
 5 tract for the payment of money, express  
 6 or implied, where the plaintiff sues in  
 7 his or her own right, shall have in his or  
 8 her own right, any demand against the  
 9 plaintiff in his or her own right, for any  
 10 debt founded on contract for the pay-  
 11 ment of money, express or implied; or  
 12 if the defendant in any such action, be-  
 13 ing sued as executor or administrator, by  
 14 the plaintiff in his or her own right,  
 15 shall have in right of his or her testator  
 16 as the case may be, any such demand a-  
 17 gainst the plaintiff in his or her own  
 18 right; or if the defendant in any such  
 19 action, against him or her in his or her  
 20 own right, where the plaintiff sues as ex-  
 21 ecutor or administrator, shall have in his  
 22 or her own right, any such demand a-  
 23 gainst the testator or intestate of the plain-  
 24 tiff as the case may be; or if the defend-  
 25 ant in any such action against him or her  
 26 as executor or administrator, where the  
 27 plaintiff sues as executor or administra-  
 28 tor shall have in right of his or her tes-  
 29 tator or intestate as the case may be, any  
 30 such demand against the testator or in-  
 31 testate of the plaintiff; then, and in ei-

Mutual debts &c. 32 ther of the said cases, the defendant may,  
 33 at the trial of such action, sett-off such  
 34 demand against the demand of the plain-  
 35 tiff; giving to the plaintiff, or to his or  
 36 her attorney thirty days notice of the de-  
 37 mand so intended to be sett-off, and of  
 38 the amount thereof, and of the manner  
 39 in which the same became due; toge-  
 40 ther with a copy of the deed, writing,  
 41 or account, if any, whereon the same is  
 42 founded; and filing a copy of such no-  
 43 tice in court, on or before the first day  
 44 of the session thereof, next ensuing the  
 45 service of such notice; and that the said  
 46 demand may, then and in that case, be  
 47 given in evidence on the general issue;  
 48 and that judgment shall be given for the  
 49 plaintiff, for so much only of his or her  
 50 demand in such action, as shall, on the  
 51 trial aforesaid, be established to the sa-  
 52 tisfaction of the court and jury, over and  
 53 above the amount to which the defend-  
 54 ant shall so establish his or her demand  
 55 aforesaid; and that if the demand so to  
 56 be established by the defendant, shall  
 57 exceed the amount to which the plaintiff  
 58 shall so establish his or her demand,  
 59 there shall be a verdict for the defend-  
 60 ant for such excess, and a judgment  
 61 therefor, with costs; and that execution  
 62 may issue on such judgment, in the same  
 63 manner as on any other judgments to be  
 64 obtained in such court. *Provided always,*  
 65 that if either of the demands aforesaid,  
 66 of the plaintiff or defendant, shall accrue  
 67 by reason of any bond, bill or obligation  
 68 for the payment of money, with pe-  
 69 nalty, the sum actually due, according  
 70 to the condition of the said bond, bill or

71 obligation, for principal and interest,  
 72 and no more, shall be allowed to be  
 73 established by either party in manner a-  
 74 forefaid.

I SECT. 40. *And be it further enacted,* Writs of  
 2 That all writs of enquiry, in any court enquiry how  
 3 of the United States, shall be executed to be execu-  
 4 before the court, by the jury attending ted.  
 5 for the trial of issues therein, and under  
 6 the like oath or affirmation as is or usu-  
 7 ally hath been administered to juries, on  
 8 the execution of writs of enquiry before  
 9 a sheriff; and that in such cases, the  
 10 plaintiff shall produce to the court and  
 11 jury, the writing, if any, whereon the  
 12 action is, or shall be, founded, but shall  
 13 not be bound to prove the same.

I SECT. 41. *Provided always, and be it* Damages,  
 2 *further enacted,* That if in any action, in in what cases  
 3 any court of the United States, founded to be assessed  
 4 on any single bill, bill of exchange, pro- by the court  
 5 misory note, or acknowledgment under  
 6 the hand of the party, there shall be a  
 7 judgment by default, or judgment against  
 8 the defendant and on demurrar, the court  
 9 at the request of the plaintiff, may assess  
 10 the damages, and render final judgment  
 11 therefor with costs.

I SECT. 42. *And be it further enacted,*  
 2 That if any recognizance taken for the Proceed-  
 3 appearance of any person or persons, be- ings on for-  
 4 fore any court of the United States, to feited recog-  
 5 answer or testify, shall be forfeited, exe- nizations.  
 6 cution, by fieri facias or capias ad satisf-  
 7 faciendum, may issue thereon, in the  
 8 same manner is if judgment had been  
 9 obtained thereon, upon scire facias duly  
 10 issued; and that where any such execu-  
 11 tion shall so issue, against any person or



Proceedings  
&c.

12 persons, such person or persons may, on  
 13 the return thereof, appear thereto at any  
 14 time during the term, and be let in,  
 15 by motion plea or otherwise, to any mat-  
 16 ter or ground of defence which would  
 17 have been available against the said re-  
 18 cognizance before execution issued, or  
 19 against a scire facias duly issued thereon ;  
 20 and that if the judgment or decision of  
 21 the court upon such motion or plea, shall  
 22 be in favour of such person or persons,  
 23 then the said execution shall be discharg-  
 24 ed ; *Provided always*, that where any  
 25 such execution shall have issued, any  
 26 judge of the court from which it issued,  
 27 may, out of term, on application and  
 28 cause shewn by the party against whom  
 29 it issued, with due notice to the attorney  
 30 of the United States for the district in  
 31 which the said execution issued, order  
 32 all further proceedings on such execu-  
 33 tion to be stayed, until the next session  
 34 of such court.

Recogni-  
zances for  
non attend-  
ance of wit-  
nesses how  
discharged.

1 SECT. 43. *And be it further enacted,*  
 2 That if any execution shall issue in man-  
 3 ner aforesaid, on any recognizance for-  
 4 feited in any court of the United States,  
 5 for the non attendance of any witness or  
 6 witnesses, in a case not capital, the court  
 7 from which such execution shall have  
 8 issued; may, on motion and cause shewn,  
 9 discharge such forfeiture and execution,  
 10 upon such terms and conditions as they  
 11 shall think fit.

Trial in  
certain ac-  
tions shall be  
at first court.

1 SECT. 44. *And be it further enacted,*  
 2 That all actions in any court of the U-  
 3 nited States, on any bond for the prose-  
 4 cution of an appeal or writ of error ; or  
 5 on any bond taken upon the granting of



6 a writ of injunction or ne-exeat, or upon Trial in &c.  
 7 the granting of any order or writ of ap-  
 8 praisement and delivery of goods wares  
 9 and merchandizes, libelled in any court  
 10 of the United States, or on any bond  
 11 given to the United States for the faith-  
 12 ful performance of any office trust or  
 13 duty; shall be tried at the first court,  
 14 unless the court, on motion and cause  
 15 shewn, shall think proper to grant an  
 16 imparlance; and that execution on any  
 17 judgment, obtained upon any such bond,  
 18 shall not be stayed or delayed, for more  
 19 than six months, by any writ of errors  
 20 prosecuted thereon, unless by order of  
 21 the supreme court of the United States,  
 22 or of the circuit court of the district  
 23 within which such execution shall have  
 24 issued; which order shall not be made  
 25 without motion and cause shewn, with  
 26 due notice to the attorney of the United  
 27 States for such district, if in the said cir-  
 28 cuit court; and to the attorney general  
 29 of the United States, if in the supreme  
 30 court thereof.

1 SEC. 45. *And be it further enacted,* Proceed-  
 2 That in all actions in any court of the ings in ac-  
 3 United States, upon any bond with tions for the  
 4 condition for the performance of any non per-  
 5 contract agreement or stipulation, or formance of  
 6 upon any covenant, or agreement in agreements.  
 7 writing to do or not to do any particu-  
 8 lar thing or things, the plaintiff may af-  
 9 sign, in the declaration, replication, or  
 10 other proper stage of the pleadings, any  
 11 number of breaches; and the jury shall  
 12 assess damages on so many as shall be  
 13 proven at the trial; and the judgment,  
 14 when for the plaintiff, shall be awarded

Proceed-  
ings, &c.

15 for the penalty and costs, if there be a  
 16 penalty expressed in the writing where-  
 17 on the action is brought; and that if the  
 18 judgment in any such action shall be for  
 19 the plaintiff on confession, or demurrer  
 20 nil dicit, the plaintiff may suggest on the  
 21 record any number of breaches; where-  
 22 upon a writ of enquiry shall be awarded  
 23 to enquire of such breaches, and to assess  
 24 damages thereon; which writ of enqui-  
 25 ry shall be executed in the manner pre-  
 26 scribed by this act; and that if the de-  
 27 fendant in any such action, shall after  
 28 judgment and before execution executed,  
 29 pay into court all damages so assessed as  
 30 aforesaid, with the costs, stay of execu-  
 31 tion shall be entered; or if, after execu-  
 32 tion executed in any such action, the  
 33 plaintiff his or her executors administra-  
 34 tors or assigns, shall receive satisfaction  
 35 for the damages so to be assessed as afore-  
 36 said, with the costs, the person or pro-  
 37 perty of the defendant shall be discharg-  
 38 ed;—*Provided always*, that in either of  
 39 the said cases, the judgment aforesaid  
 40 shall remain, as a further security to an-  
 41 swer damages, upon any further breach  
 42 or breaches as aforesaid, to be commit-  
 43 ted after the assignment or suggestion of  
 44 breaches in manner aforesaid; and that  
 45 a scire facias may issue on such judgment  
 46 against the defendant, his or her heir  
 47 terre-tenant Executors or administrators,  
 48 suggesting such further breaches, and  
 49 summoning him or them to shew cause,  
 50 why execution should not be awarded on  
 51 such judgment; and that like proceed-  
 52 ings may be had upon such scire facias,  
 53 for assessing damages, staying execution,

54 or discharging the person or property of  
 55 the defendant, as are herein provided in  
 56 case of the original action.

1 SEC. 46. *And be it further enacted,*  
 2 That in any action upon bond with pe- In actions  
 3 nalty, in any court of the United States, &c. on bond,  
 4 the defendant may at any time pending money may  
 5 such action, bring into court all the prin- be brought  
 6 cipal money due on such bond, accord- into court.  
 7 ing to the condition thereof, with the  
 8 interest due on such principal money,  
 9 and the costs of suit; and that the court  
 10 shall thereupon stay all further proceed-  
 11 ings on such action, and discharge the  
 12 defendant therefrom.

1 SEC. 47. *And be it further enacted,* In Eject-  
 2 That, in any action of ejectment, in any ment, in  
 3 court of the United States, for the re- cases of mort-  
 4 covery of mortgaged lands or tenements, gages or rent  
 5 when neither the sum due nor the right due, money  
 6 to redeem is questioned, and there is no may be  
 7 suit to foreclose or redeem; and in any brought into  
 8 such action for the recovery of lands or court.  
 9 tenements on title of re-entry for non-  
 10 payment of rent; the defendant may  
 11 bring into court all the principal money  
 12 due on such mortgage, or for rent, as  
 13 the case may be, with interest and costs  
 14 of suit; and that the court shall there-  
 15 upon stay all further proceedings in such  
 16 action, and wholly discharge the defen-  
 17 dant therefrom.

1 SEC. 48. *And be it further enacted,* Special leave  
 2 That where, in any action in any court to bring mo-  
 3 of the United States, for the recovery ney into  
 4 of any debt, the sum of money demand- court—In  
 5 ed in certain, or may be ascertained by what cases to  
 6 mere computation, the defendant shall be granted,  
 7 have leave to bring the said sum of mo-



Special  
leave, &c.

8 ney into court, which shall thereupon be  
9 deducted from the plaintiffs demand, and  
10 struck out of the declaration; and that  
11 if the plaintiff will not accept the said  
12 money, with costs to the time of bring-  
13 ing the same into court, he shall pro-  
14 ceed at his peril, and upon the trial of  
15 the issue, shall not be permitted to give  
16 evidence of the said sum so brought in;  
17 and that if the plaintiff shall not, on the  
18 trial, be able to prove a greater sum  
19 due than the sum so brought in, the  
20 verdict shall be for the defendant; and  
21 that the court, for the said leave,  
22 may impose such terms and  
23 conditions on the defendant, as the jus-  
24 tice of the cause may require.

In what  
cases pay-  
ment may be  
pleaded in  
bar.

1 SEC. 49. *And be it further enacted,*  
2 That in all actions of debt in any court  
3 of the United States, on judgment or on  
4 Scire facias thereon, or on single Bill,  
5 or on Bond with condition or defea-  
6 zance to make void the same, payment,  
7 at any time before the action brought,  
8 of the principal money due on such judg-  
9 ment or single Bill, or by the condition  
10 or defeazance of such bond, as the case  
11 may be, with interest and costs of suit,  
12 may be pleaded in bar of such action.

Double  
pleading al-  
lowed.

1 SEC. 50. *And be it further enacted,*  
2 That the defendant or tenant in any ac-  
3 tion, in any court of the United States,  
4 and the plaintiff in any action of Reple-  
5 vin therein, may, with leave of the  
6 court, plead as many several matters in  
7 such action, as shall be necessary for his  
8 or her defence, therein, upon the merits  
9 of the case.

1 SEC. 51. *And be it further enacted,* Pleas to the  
 2 That all pleas to the jurisdiction, or in jurisdiction  
 3 abatement, in any court of the United and in abate-  
 4 States, shall be pleaded before the third ment.  
 5 day of the appearance term and not  
 6 after, and that no plea in abatement shall  
 7 be received in any of the said courts,  
 8 after a respondeas ouster.

1 SEC. 52. *And be it further enacted,*  
 2 That the plea of non est factum shall not Pleas of non  
 3 be received, in any court of the United est factum to  
 4 States, without the oath or affirmation be on oath.  
 5 of the defendant, indorsed thereon,  
 6 "that the specialty whereon the action  
 7 is founded, is not the deed of the de-  
 8 fendant;" and that no heir executor or  
 9 administrator shall be allowed, in any of  
 10 of the said courts, to plead non est fac-  
 11 tum of his or her ancestor, testa-  
 12 tor, or intestate, without an oath or  
 13 affirmation of such defendant, indorsed  
 14 on such plea, that he or she hath good  
 15 reason to believe, that the specialty  
 16 whereon the action is founded, is not  
 17 the deed of his or her ancestor testator or  
 18 intestate; or unless he or she shall shew  
 19 probable cause to the said court, to in-  
 20 duce them to believe that the said plea  
 21 is true.

1 SEC. 53. *And be it further enacted,* Pleas of non  
 2 That no plea of non assumpsit shall be assumpsit  
 3 received, in any court of the United how to be  
 4 States, in any action on a foreign or in- endorsed.  
 5 land bill of exchange, promissory note,  
 6 policy of insurance, bill of lading, or  
 7 other writing, without an indorsement  
 8 on such plea by the defendant, stating  
 9 whether he or she admits or denies the  
 10 making of the writing, whereon the



Dilatory  
pleas to be  
on oath.

11 action is brought, or the making of the  
11 indorsement thereon, if sued as indorser.  
1 SEC. 54. *And be it further enacted,*  
2 That no dilatory plea shall be received,  
3 in any court of the United States, with-  
4 out the oath or affirmation of the party  
5 offering such plea, endorsed thereon,  
6 and stating that the matter thereof is true;  
7 or unless the said party shall shew to the  
8 court, sufficient cause to induce them to  
9 believe, that the matter of such plea is  
10 true.

How de-  
fendant shall  
plead in tref-  
pafs quare  
clausum fre-  
git.

1 SEC. 55. *And be it further enacted,*  
2 That in any action of trespass quare  
3 clausum fregit, in any court of the  
4 United States, the defendant may plead  
5 a disclaimer, and that the trespass was  
6 involuntary, and that he tendered suf-  
7 ficient amends before the action brought;  
8 whereupon the plaintiff shall join issue  
9 upon the said points, or some of them,  
10 and if the issue be found for the defen-  
11 dant, or the plaintiff be non suit, the  
12 plaintiff shall be barred.

Proceedings  
in case of a  
general ver-  
dict and in-  
tire damages  
on several  
counts.

1 SEC. 56. *And be it further enacted,*  
2 That if in any action in any court of the  
3 United States, there be two or more  
4 courts in the declaration, and a general  
5 verdict, and entire damages assessed,  
6 and any of the said counts be substan-  
7 tially bad, the plaintiff, on application  
8 to such court, shall be permitted to  
9 strike out of the declaration any such  
10 defective counts, and to take judgment  
11 on any count in the said declaration  
12 which is good, to which, in the opinion  
13 of the court, the evidence given on the  
14 trial did apply, and on which the plain-  
15 tiff may be entitled by law to recover :

16 *Provided always*, That the said applica-  
 17 tion shall be made to such court, during  
 18 the same session in which such verdict  
 19 shall have been rendered, and not after.

1 SECT. 58. *And be it further enacted*, In case of  
 2 That if in any action, in any court of the judgment on  
 3 United States, there be several counts gernal ver-  
 4 in the declaration, and a general verdict dictis, and  
 5 and entire damages assessed, and one or defective  
 6 more of the said counts be substantially counts, veni-  
 7 bad and judgment be rendered, the said re de novo  
 8 court, or the court before whom a writ awarded  
 9 of error may be brought to reverse the  
 10 said judgment, may award a Venire de-  
 11 novo in the said action, on motion and  
 12 cause shown, and on payment of costs  
 13 and such other terms and conditions, as  
 14 to such court shall seem proper, for a  
 15 fair decision of the cause on its merits.

1 SECT. 53. *And to prevent mistakes* Verdicts and  
 2 in taking verdicts and entering judg- judgments,  
 3 ments in the courts of the United States, how to be ta-  
 4 be it further enacted, that in the said ken and en-  
 5 courts, every general verdict shall be tered.  
 6 entered thus "The jury find the issue,  
 7 or issues, joined, for the plaintiff, or  
 8 for the defendant" as the case may be,  
 9 and if damages be assessed, then with  
 10 the addition of these words "and assess  
 11 damages to the sum of  
 12 dollars and                      cents; and that  
 13 every judgment on a verdict or demur-  
 14 rer, shall be entered thus "Judgment  
 15 on the verdict, or on the demurrer, for  
 16 the plaintiff, or for the defendant" as  
 17 the case may be; and that the clerk  
 18 shall afterwards make up the legal  
 19 judgment at length and in form; and  
 20

21 that if the said judgment be erroneously  
 22 made up, it may, at any time, be a-  
 23 mended by the direction of the court  
 24 where rendered, or of the court before  
 25 which a writ of error shall be brought,  
 26 to reverse such judgment.

Proceedings  
 on verdict for  
 plaintiff, in  
 case of bond  
 with penalty

1 SEC. 59. *And be it further enacted,*  
 2 That if, in any action of debt in any  
 3 court of the United States, upon bond  
 4 with penalty, there should be a verdict  
 5 for the plaintiff, the jury shall find the  
 6 sum actually due by the condition of such  
 7 bond; and the judgment shall be award-  
 8 ed for the penalty to be discharged by  
 9 the payment of the sum so found with in-  
 10 terest and costs.

Judgment on  
 bonds, to be  
 entered for  
 penalty, and  
 how to be  
 discharged.

1 SEC. 60. *And be it further enacted,*  
 2 That in all actions, in any court of the  
 3 United States on bond for the payment  
 4 of money, the judgment shall be ren-  
 5 dered for the penalty of the bond, to be  
 6 discharged by payment of the principal  
 7 money in the condition thereof, with  
 8 interest at the time of payment, and  
 9 costs.

Lists of judg-  
 ments to be  
 kept.

1 SEC. 61. *And be it further enacted,*  
 2 That the day and year of the rendition  
 3 of every judgment, in actions in any  
 4 court of the United States, founded on  
 5 contract for the payment of money, ex-  
 6 press or implied, shall be entered by the  
 7 clerk of the court in which such judg-  
 8 ment shall be rendered; and that where  
 9 two judgments shall be given on the  
 10 same day, against the same person, there  
 11 shall be no priority; and that the clerk,  
 12 of every court of the United States,  
 13 shall keep in a separate book; an alpha-

14 betical list, in the name of the plaintiff  
 15 and of the defendant, of all judgments  
 16 rendered in such court, expressing the  
 17 term when rendered, and the nature of  
 18 the action wherein rendered, and the day  
 19 and year of the rendition.

1 SECT. 62. *And be it further enacted,* Decrees for  
 2 That every decree in equity for the pay- payment of  
 3 ment of money, or judgment at law, in money, and  
 4 any court of the United States, shall judgments,  
 5 bind the the lands of the defendant for shall bind  
 6 the payment thereof, from the time of land.  
 7 the giving of the decree or of the ren-  
 8 dition of the judgment respectively ;  
 9 and that such lands may be taken and  
 10 sold, for the purpose of making such  
 11 payment, by writ of fieri facias on such  
 12 decree or judgment, and if returned not  
 13 sold for want of buyers, then by writ of  
 14 Venditioni exponas, which writs the  
 15 said courts are hereby impowered res-  
 16 pectively to issue ; and that every decree  
 17 in equity for the payment of money, shall  
 18 be of equal degree, in every respect,  
 19 with any judgment at law : *Provided al-*  
 20 *ways,* That no writ of fieri facias as  
 21 aforesaid, shall issue on any such decree  
 22 or judgment, after the expiration of one  
 23 year from the time of the giving of such  
 24 decree, or of the rendition of such  
 25 judgment, as the case may be, unless  
 26 the same be revived by bill or Scire fa-  
 27 cias ; and that no such judgment or de-  
 28 cree shall be valid, after the expiration  
 29 of seven years from the time of giving  
 30 or rendering the same respectively ; sav-  
 31 ing to infants, Feme Coverts, persons  
 32 imprisoned, and persons out of the  
 33 United States, the right, for one year



34 after such disability removed, of reviving  
 35 such decree or judgment by bill or Scire  
 36 facies.

Costs on  
 judgment  
 non-suit or  
 discontinu-  
 ance.

1 SECT. 63. *And be it further enacted,*  
 2 That in all cases of judgment, in any court  
 3 of the United States, the party in whose  
 4 favour such judgment shall be, and also  
 5 the defendant in all cases of nonsuit or  
 6 discontinuance in any of the said courts,  
 7 shall have judgment, against the adverse  
 8 party or plaintiff as the case may be, for  
 9 the costs expended by such adverse party  
 10 or defendant, in and about the action  
 11 wherein such judgment shall be render-  
 12 ed, or such nonsuit or discontinuance  
 13 shall take place; which costs shall be  
 14 taxed by the said court, and shall be  
 15 recovered in the same manner with other  
 16 judgments rendered therein.

Costs on  
 writ of error.

1 SECT. 64. *And be it further enacted,*  
 2 That if any judgment, in any court of  
 3 the United States, shall be affirmed or  
 4 reversed on writ of error, it shall be with  
 5 costs to the party in whose favour such  
 6 judgment of affirmance or reversal shall  
 7 be given; and that if in any writ of er-  
 8 ror on any judgment in any of the said  
 9 courts, the plaintiff in error shall discon-  
 10 tinue or be nonsuit, or the said writ of er-  
 11 ror shall be quashed, there shall be judg-  
 12 ment for costs to the defendant in error;  
 13 and that in all such cases, the costs shall  
 14 be taxed by the court where such writ  
 15 of error shall be brought.

Where se-  
 veral defend-  
 ants, and  
 judgment &c  
 for one, he  
 shall have  
 costs.

1 SECT. 65. *And be it further enacted,*  
 2 That if several defendants be joined  
 3 in one action, in any court of the Uni-  
 4 ted States, and there be judgment for,  
 5 or nonsuit or discontinuance as to, one  
 6 of them, he or she shall recover his or  
 7 her costs, in the same manner, as if there



8 had been a judgment for, or a nonsuit or  
9 discontinuance as to, all the said defend-  
10 ants.

1 SECT. 66. *And be it further enacted,* Costs in equity.  
2 That in all cases in which any suit or  
3 complaint, by way of bill or petition,  
4 shall be exhibited in any court of the U-  
5 nited States, having equity jurisdiction,  
6 such court shall be, and hereby is, au-  
7 thorized and impowered, in its discre-  
8 tion, to order and adjudge, from time  
9 to time at any stage of the cause, or on  
10 final decree, such costs and other ex-  
11 penses to be paid by either party, as such  
12 court shall deem just and reasonable;  
13 and to compel payment of the same, in  
14 like manner as the said court is, or shall  
15 be, impowered to enforce the payment of  
16 money thereby decreed to be paid.

1 SECT. 67. *Provided always, and be it* Infants and  
2 *further enacted,* That no infant plaintiff, executors or  
3 suing by bill petition writ or otherwise, administra-  
4 in any of the said courts, by guardian or tors; in what  
5 prochein amy, shall be liable, in any cases not li-  
6 case, to costs; and that the same shall able to costs.  
7 be paid by such guardian or prochein  
8 amy; and that no executor or admini-  
9 strator, being plaintiff or petitioner in  
10 any of the said courts, shall in any case,  
11 be liable to costs; except by special or-  
12 der of the court, on account of some de-  
13 fault committed by such plaintiff.

1 SEC. 68. *And be it further enacted,* That When ex-  
2 on any judgment rendered in any court ecution may  
3 of the United States, with stay of execu- issue in case  
4 tion entered by the clerk of such court, of stay of ex-  
5 at the same court when the judgment ecution, in-  
6 shall be rendered, execution may issue at junction, or  
7 any time within one year, next after the supersedeas.

8 expiration of such stay ; and that in case  
9 of any injunction, or superedeas by ap-  
10 peal writ of error or otherwise, on any  
11 judgment rendered in any of the said  
12 courts, execution may issue on such judg-  
13 ment, at any time within one year next  
14 after the dissolution of such injunction,  
15 or removal of such superedeas.

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REPORT  
OF THE  
COMMITTEE  
OF  
WAYS AND MEANS,  
ON  
CERTAIN APPROPRIATIONS  
FOR THE  
DIPLOMATIC DEPARTMENT.



*5th May, 1800,*

Committed to a Committee of the whole House to-morrow.



Printed by order of the House of Representatives of the United States.

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# REPORT

The Committee on Ways and Means, as a result of its study of the situation of the public service of the United States, has the honor to report to the House of Representatives the following findings and recommendations:

The Committee has been particularly concerned with the situation of the public service of the United States, and has endeavored to determine the causes of the existing conditions and to suggest effective remedies therefor.

The Committee has found that the public service of the United States is in a state of serious decline, and that the existing conditions are the result of a number of causes, including the failure of the Government to maintain adequate standards of efficiency and economy, the lack of proper supervision and control, and the failure of the public service to adapt itself to the changing requirements of the country.

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## REPORT, &c.

**T**HE Committee of Ways and Means, to whom were referred the estimates for the public service of the present year, having observed in those estimates, some items under the head of "The Diplomatic Department," which seemed to require further examination, reserved them for the subject of a separate report; which they now beg leave to submit to the consideration of the House.

The items alluded to occur in the following order.

1. "For reimbursing the Consuls of the United States, for making and supporting the claims of American citizens, to captured property, before the tribunals of foreign countries." The sum estimated for this object is 10,000 dollars.

Two questions occurred to the Committee, on this subject.

1. Whether it be proper to make any further allowance of this kind; and

2. Whether admitting it to be so, the sum estimated be not larger than is necessary. On the first point the Committee find, that the first and only appropriation for this object, heretofore made by Congress, is contained in the act of April 18th 1798, (4th Vol. of laws, 93) in which authority is given "to reimburse such reasonable advances of money, as HAVE BEEN MADE, OR DURING THE PRESENT YEAR shall be made, by Consuls of the United States, in making and supporting claims of American citizens, to captured property, before the tribunals of foreign countries." The Committee cannot take upon themselves to say, on what grounds Congress proceeded in making this provision; but they deem the principle "that



the government ought to support the law suits of its citizens," as altogether inadmissible in itself, and highly inexpedient in its consequences. It is an expenditure for the proper direction, application and controul whereof no adequate security can be had; and the very allowance of which invites, and almost impels, to its undue increase; by encouraging persons to undertake, upon slight or insufficient grounds, suits whereof they are not to bear the burden, but must reap the gain.

As, however, the former allowance may have led the Consuls to suppose that it would be continued, and thereby have induced them to embark in expenses which they would otherwise have avoided; the Committee conceive that it would be improper, to withhold this allowance too suddenly. They would, therefore, recommend that it be extended to expenses that heretofore have been, or, before a reasonable time for notice to the contrary, may be incurred for the above purpose.

As to the sum necessary for this object, the Committee find, by an extract from the accounts in the Secretary of State's office, which has been furnished to them by the Secretary, and is hereto subjoined, (No. 1) that no Consuls except those at Alicante, Bourdeaux, and Cadiz, have furnished accounts of expenditures under this head; and that the sums so laid out by them, in two years, 1797 and 1798, amounted to something less than 11,000 dollars. They are therefore of opinion, that 5,000 dollars would be sufficient for the proposed appropriation, which ought to be confined to past transactions; and that a stop should be put to the expense in future.

2. "For reimbursing Consuls, and others, for aid rendered to distressed American seamen in foreign countries, bringing them home from thence, and assistance in the United States." The estimate for this object is 30,000 dollars.

The Committee find, that two appropriations have been heretofore made by Congress, on this head. The 1st by the act of April 18th 1798, and the 2d by that of March 2d 1799.

The first of these appropriations was blended with that for the prosecution of claims; and 30,000 dollars were appropriated for the two objects. The second was distinct, and amounted to 20,000 dollars.

Under the act of May the 28th 1796, "for the relief and protection of American seamen," there has been an annual appropriation, for four years, of 15,000 dollars for the salaries and expenditures of agents appointed pursuant thereto. By an extract from the accounts in the Department of State, which has been furnished to the Committee and is hereto subjoined, (No. 2) it appears that the disbursements of one of these agents residing in London, up to December 1st 1799, amounted to 4,464 dollars and 11 cents, and that the other, who was sent to the West Indies in 1798, disbursed 9,572 dollars in the objects of his mission.

It further appears, by the extract referred to, that the whole expenditures for this object, except those of the agents in London and the West Indies, amounted in 1797 to 815 dollars and 70 cents; and in 1798, to 1,275 dollars and 29 cents, and that in 1799 they rose to 29,066 dollars and 18 cents.

This extensive and rapid increase, the Committee conceive, must be considered as furnishing a conclusive argument against the measure itself. An expenditure liable to such abuse, and holding out such strong temptations for it, ought to be authorized with very great caution; even if it were justified by proper principles. The Committee do not consider it as so justified, nor can they discover any principle of duty or good policy, which requires the Government to defray the expenses of every seaman in foreign

countries, who chooses to call himself American, to say that he is destitute, and to ask for a passage to the United States. If the experience of the last three years were not conclusive on the point, as the Committee conceive it to be, still it would be easy to discern the extent to which an expenditure of this kind, if left on the footing of the former appropriations, must be carried.

Cases may no doubt occur, in which relief ought to be extended, and the expense reimbursed to those who give it; but those cases, it is conceived, ought to be left to the discretion of Congress, on their particular circumstances: and there can be no doubt, that where those circumstances shall be found to have justified an advance, the reimbursement will be made.

It is therefore the opinion of the Committee, that the appropriation in question ought to be withheld; and that such accounts for disbursements of this kind, as may hereafter be presented, ought to be laid before Congress, in order to be decided on according to the merits of each case.

3d. "Costs of prosecuting claims in prize causes, before the high court of admiralty, and courts of appeals in London, for the years 1799 and 1800." The sum estimated for this object is 90,000 dollars.

The faith of the United States being formally pledged to answer for the payment of these costs, and Congress having directly sanctioned that measure, by the act of March 3d 1797, assuming the payment, and making an appropriation of 50,000 dollars therefor; the Committee conceive, that the propriety of taking the step, in the first instance, cannot now be enquired into. They have therefore confined their attention to the amount which ought now to be appropriated.

On this point, they have been informed by the Secretary of State, that the cases in which the Unit-



ed States are pledged for costs, amount to two hundred and ninety-one; the costs of two hundred and thirty-six of which, are estimated at £250 sterling each; and of fifty-five, at £150 sterling each; amounting, in the whole, to 67,250 dollars; of which sum 23,635 dollars have been paid, leaving a balance of 43,615 dollars still to be provided. The Committee conceive that it will be unnecessary to extend the appropriation beyond that balance.

This appropriation, with the others which they have thought it proper to recommend, are contained in the bill herewith presented for the consideration of the House. And they have also subjoined a letter from them to the Secretary of State, and his answer (Nos. 3, 4) as containing matters relative to the subject of their report.

In concluding, they beg leave to state, explicitly, that in recommending it to the House to withhold or curtail the appropriations in question, and in pointing out the inexpediency of measures formerly adopted on that head, they do not mean to imply the slightest censure, on the manner in which the business has been conducted by the Department of State. On the contrary, their objections arise from a firm persuasion, that it cannot be so conducted as to prevent abuse; and that if it could, still the measures ought to be given up, as being erroneous and inexpedient in their nature and principles.

Received of the Honble East India Company  
the sum of Rs. 10000/- for the purchase of  
the land of the late Mr. ...

1760	Received of the Honble East India Company the sum of Rs. 10000/- for the purchase of the land of the late Mr. ...
1761	Received of the Honble East India Company the sum of Rs. 5000/- for the purchase of the land of the late Mr. ...
1762	Received of the Honble East India Company the sum of Rs. 3000/- for the purchase of the land of the late Mr. ...
1763	Received of the Honble East India Company the sum of Rs. 2000/- for the purchase of the land of the late Mr. ...
1764	Received of the Honble East India Company the sum of Rs. 1500/- for the purchase of the land of the late Mr. ...
1765	Received of the Honble East India Company the sum of Rs. 1000/- for the purchase of the land of the late Mr. ...



# No. I.

*Expenditures in prosecuting the claims of American Citizens,  
for Property captured by the Belligerent Powers, copied  
from the Account Current of the Secretary of State,  
ending December 31, 1799.*

	No.	Dolls. cts.
1795.		
Nov. 26, Paid North and Haskins, Agents for William Lees, for the hire of the sloop Ambuscade, William Rockwell master, employed to carry inhibitions to the West Indies, - - - -	vo. H.	1,604 20
Dec. 5, E. and J. Perot, for expenses in obtaining admiralty papers at Antigua, - - - -		22 60
12, William Rockwell, for expenses in serving inhibitions, obtaining copies of the proceedings of the British V. Admiralty courts on American vessels, pilotage and port charges of the sloop Ambuscade, &c. &c. in the West Indies, - - - -		580
1796.		
Feb. 18, P. J. and J. Dawdy, for their account in obtaining transcripts of 51 causes in the court of V. Admiralty, on American vessels captured and carried into Montserrat, judges fees, attornies do. &c.		3,107 91
20, John Stealing, for copies of the proceedings of the Vice Admiralty court at Halifax, on American vessels captured and carried in there, - - - -		235 50
23, Lloyd and Sparks, for M. Lifles account, for obtaining copies of the proceedings of the court of Vice Admiralty at Tortola, on 12 American vessels captured and carried in there, - - - -		441 75

B

*Carried forward, 5,991 96*

		<i>Dolls. cts.</i>
<i>Brought forward,</i>		5,991 96
Feb. 25,	E. and J. Perot, for Fisher and Darrell's account for obtaining copies of the proceedings of the court of Vice Admiralty at Antigua, on American vessels, - - -	1,498 84
April 8,	J. Hollingsworth and Co. for B. Amory, junr.'s account, for obtaining copies of the proceedings of the court of Vice Admiralty at St. Kitt's, on American vessels carried in there, serving motions, &c. - - -	1,361 42
22,	John Gardner, junr. for balance of his account for services as Agent, for procuring copies of the proceedings of the British Vice Admiralty courts in the West Indies, on American vessels, &c. - - -	80 86
May 23,	Brades, Harper and Brade, for their account in obtaining copies of the proceedings of the court of V. Admiralty in Dominica, on American vessels captured and carried in there, - - -	1,868 49
July 22,	J. Warder, Parker and Co. for Forbes, Stevens and Co.'s account, for obtaining copies of the proceedings of the court of V. Admiralty at New Providence, on American vessels captured and carried in there, - - -	3,445 6
23,	J. Hollingsworth & Co. for B. Amory junr.'s account, for serving inhibitions, &c. at St. Kitt's, -	35 49
Aug. 11,	John Gardner, junr. for obtaining copies of the proceedings of the court of V. Admiralty at Barbadoes, on American vessels captured and carried in there, -	377 50

*Carried forward,* 14,659 62

		<i>Dolls. cts.</i>
<i>Brought forward,</i>		14,659 62
Aug. 23,	E. and J. Perot, for Fisher and Darrell's and J. Walrond's accounts, for serving inhibitions, &c. at Antigua and Barbadoes,	49 45
25,	Campbell and Whittle, for expenses in obtaining appeal papers, &c. from the Vice Admiralty court at Kingston,	896 50
Sept. 15,	John Vaughan, for Bridgmans and Hall's account, for a list of American vessels, libelled in the court of Vice Admiralty at Kingston, serving inhibitions, &c.	142 44
Dec. 6,	Thomas Fitzsimons, Chairman of the committee of merchants, for insurance of the sloop Ambuscade, employed to carry inhibitions to the West Indies, postages and advertising,	222 32
1797. May 4,	E. and J. Perot, for copies of the proceedings of the court of Vice Admiralty at Bermuda, on the ship Two Friends,	81 90
July 11,	J. Campbell, for Campbell and Whittle's account, for obtaining appeal papers from the court of Vice Admiralty at Kingston, serving inhibitions,	402 37
1798. Feb. 10,	W. D. and J. Brade, for their account, in obtaining copies of the proceedings of the court of Vice Admiralty, on thirty-seven American vessels, captured and carried into Dominica,	1,111 14
April 18,	E. and J. Perot, for J. and W. Perot's account, for procuring copies of the proceedings of the V. Admiralty court at Bermuda, serving inhibitions, &c.	1,025 22

*Carried forward,* 18,590 96

		<i>Dolls. cts.</i>	
		<i>Brought forward,</i> 18,590 96	
May 5,	Paid Jehu Hollingsworth and Co. for B. Amory, junr.'s account, for obtaining copies of the proceedings of the V. Admiralty court at St. Kitt's, serving inhibitions, &c. - - - -	No. vo. H.	777
15,	E. and J. Perot, for Peter Dowdy and Co.'s account, for expenses of serving seven inhibitions at Montferat, - - - -		68
25,	P. Moore, Clerk of the District Court of Maryland, for copies of the proceedings of said court in the case of Glas and others, against the sloop Betsy, &c. -		15 50
June 8,	Henry Cooper, for expenses of serving inhibitions, &c. at Tortola, &c. - - - -		202 77
Aug. 13,	Benjamin Amory, junr. for expenses in procuring copies of the proceedings of the Admiralty court at St. Kitt's, in four American causes, - - - -		185 42
Dec. 18,	Samuel Bayard, for compensation as Agent of the United States, for prosecuting claims and appeals before the Board of Commissioners, under the seventh article of the British treaty, - - -		14,551 9
1799.	April, 30, Thomas Fitzsimons, Chairman of the committee of merchants on British spoliations, for postages, printing certificates, J. Stealing's and Fisher and Darrell's drafts,		170 50
Amount of	payments in 1795,	2,206 80	} 34,561 24
Ditto,	- - - 1796,	13,763 53	
Ditto,	- - - 1797,	484 27	
Ditto,	- - - 1798,	17,936 14	
Ditto,	- - - 1799,	170 50	

*Carried forward,* 34,561 24



	Dolls. cts.
<i>Brought forward,</i>	34,561 24
Paid Robert Montgomery, Consul at Alicante, on account, for expenditures in 1797 and 1798, - - - - - 4,896 83	No. vo. H.
Joseph Fenwick, do. at Bordeaux, ditto, - ditto, * 2,700	
Joseph Iznardy, do. Cadiz, ditto, - - - - - † 3,200	
	10,796 83
Amount of payments to Proctors, to June 5, 1798, by S. Bayard and S. Williams, Agents of the United States at London, £. 13,635 sterling, - - - - -	60,900
Ditto. to ditto, by S. Williams from June 5, 1798, to November 20, 1799, £. 10,000 sterling, - - - - -	106,258 7 44,444 44
On the 29th November 1799, Mr. Williams writes that "the balances due the Proctors, amount to at least £. 12,000, and are daily increasing," - - - - -	150,702 51 53,333 33
Deduct costs refunded from the awards in London, to August 1797, received by Mr. Bayard, £. 1,706 14 4 ster. 7,585 41	204,035 84
Mr. Williams observes, June 1798, that the costs on 30 cafes, may be refunded by January 1799, £. 7,500 sterling, - - - 33,333 33	40,918 74
	Dollars, 164,117 10

\* Mr. Fenwick having transmitted the specific expenditures for some of the items in his account (amounting to livres 14,080 15/ to Mr. Humphreys at Madrid, and Mr. Skipwith at Paris. This sum therefore is not set down as the actual proportion of his account, for prosecuting claims in prize causes; but it is presumed to be nearly accurate.

† Mr. Iznardy's expenditures exceed the payments made to him, this sum therefore is put down as the proportion of his account (to the amount paid) for prosecuting claims in prize causes.



## No. 2.

*Account of Expenditures in affording Relief and Protection to distressed American Seamen,—copied from the Account current of the Secretary of State, ending on the 31st December 1799.*

	No.	Dolls.	cts.
	vol.		
1797.			
Mar. 7, To paid Jeremiah Olney's account relative to impressments,	D.		
	1	6	
July 29, David Smith for the passage of a seaman from Philadelphia to Martha's Vineyard, -	2	6	
Oct. 18, Samuel Hodgden, for the account of B. H. Phillips, Consul of the United States at Curacao, for aid to seamen, -	3	195	12
Dec. 7, William Allen, Health-officer, for aid to John Hennet, -	4	20	25
29, For the draft of E. Vanderhorst, Consul of the United States at Bristol, being for the annual subscription of the United States to the Bristol Infirmary for the relief of seamen, for the year 1797, -	5	23	33
1798.			
May 3, Sylvanus Bourne, Consul of the United States at Amsterdam, for aid to seamen, -	6	103	79
17, Jeremiah Tatem for Joseph Izard's account of provisions, &c. for seamen while on their passage from Cadiz to Philadelphia, - -	7	314	60
30, John Dickman and others, who had been captured by the French, to enable them to return to their homes, -	8	91	
June 8, Joseph Kinley and others, do.	9	34	

Amount of payments in 1797, Dollars. 250 70.

Carried forward, 794 9

		Dolls.	cts.
<i>Brought forward,</i>		794	9
June 9,	George W. Talbot, for the passage of 41 seamen from Porto Rico to Philadelphia, -	10	328
July 9,	Francis Higgins, for aid to John Allen, a seaman, -	11	12 75
23,	James Monroe, for Fulwar Skipwith's account, for aid to distressed seamen, -	12	25 23
Dec. 13,	William Allen, Health-officer, for aid to Samuel Barber, a distressed seaman, -	13	22 92
1799.			
Jan. 1,	Paid William Dupuy, for the draft of E. Vanderhorft, Consul of the United States at Bristol, it being for the annual subscription of the United States to the Bristol infirmary, for the relief of seamen, for the year 1798, -	14	23 33
2,	Silas Talbot, agent of the United States for the relief and protection of American seamen in the West-Indies, -	15	9,572
4,	Clement Humphreys, junr. for aid to seamen in France, -	16	733 88
—,	John Robertson, for supplies to American seamen put on board the brig Independent, by Robert Montgomery, Consul of the United States at Alicant, -	17	73 30
8,	Daniel Steinmitz, for aid to seamen at Bordeaux, -	18	535 6
9,	Francis Breuil, for passages of seamen from Bordeaux to Philadelphia, -	19	5,540 85
28,	Stephen Swett, for aid to seamen at Marfeilles, and passages of two from thence to Philadelphia, -	22	125
<i>Carried forward,</i>		17,786	41

Amt. paymts. in 1798, Dolls. 932 29.

		<i>Dolls. cts.</i>	
<i>Brought forward,</i>			17,786 41
		No.	
		vo.	
		D.	
Jan. 10,	Paid Francis Higgins, for aid to John Allen, a seaman, -	20	14 88
22,	Daniel Hauley, Consul of the United States at Havanna, for aid to seamen at that place,	21	692 85
Feb. 25,	David Phipps, for the passage of a seaman from Amsterdam to Philadelphia, - -	23	30
Mar. 1,	A. and J. Bosquet, for the passage of T. Russell from Bordeaux to Philadelphia, -	24	60
15,	Jacob Mayer, Consul of the United States at Cape Francois, for aid to seamen, -	25	257 50
30,	John Nixon and Co. for the account of John Diol, for aid to the crew of the brig Maria which was cast away, -	26	69 97
May 18,	Nicklin & Griffith, for provisions furnished the seamen who returned in the ship Jane, from Porto Rico, while she was performing quarantine at the fort	27	45 79
28,	L. M. O'Brien, consular Agent of the United States at Santander, for aid to seamen, -	28	642 60
June 1,	William Ellery, for the expenses of a deposition relative to the impressment of a seaman, -	29	2
21,	John Prince, for the passages of seamen from St. Domingo to Philadelphia, - -	30	140
July 16,	Wm. Ellery, expenses of a deposition relative to the impressment of seaman, -	31	2
—,	Nicholas Duff, for the passages and provisions for 12 seamen, from Teneriffe to New-York,	32	480

*Carried forward,* 20,224

		<i>Dolls. cts.</i>	
<i>Brought forward,</i>			20,224
		No.	
		vo.	
		D.	
Aug. 24,	John Steinmetz, for aid to seamen at Bordeaux, - - - -	33	256 59
Sept. 28,	Jonas Jones and others, distressed seamen, [who returned from Cadiz in the cartel Hope]	34	45
30,	Nathaniel Gale and others, do.	35	24
Oct. 3,	George Pearle and others, do.	36	21
4,	Rob. M'Cannon and others, do.	37	12
7,	John K. Meyer and W. Loneragan, do. - - - -	38	16
8,	Elijah Townsend, do. - - - -	39	8
9,	S. Wing and A. Thompson, do.	40	10
11,	G. Hastie, for the account of Robert Moore, surgeon of the cartel which was sent from Cadiz to Philadelphia with American seamen, - - - -	41	218
Dec. 12,	Savage and Dugan, for passages of seamen from Cadiz to Philadelphia, support of do. at Cadiz and in the Delaware, and demurage of the ship Hope, - - - -	42	836
—,	George Hastie, for his expenses from New-Castle to Trenton, on business relative to the seamen who returned from Cadiz in the ship Hope, - - - -	43	19
17,	William Allen, Health-officer, for aid to William Phillips, a distressed seaman, - - - -	44	17 33
			21,706 92

 Amount of payments in 1799, *Dolls.* 20,523 93.



Amount of expenditures in 1797,	250	70	
Paid R. Montgomery, Consul at Alicante, on account,	-	-	565
			<hr/>
			815 70
Amount of expenditures in 1798,	-	932	29
Paid R. Montgomery, Consul at Alicante, on account,—included in the year			
1799,	-	-	-
M. Morphy, do. Malaga do.	-	343	
			<hr/>
			1,275 29
J. Iznardy do. Cadiz, do.— included in 1799,	-	-	-
Amount of expenditures in 1799,	20,523	93	
Paid R. Montgomery, Consul at Ali- cante, on account,	-	2,510	13
M. Morphy, do. Malaga,	-	396	50
F. Skipwith, do. Paris,	-	800	
J. Fenwick, do. Bordeaux,	*	1,300	
B. H. Phillips, do. Curacao,	-	1,630	
J. Pitcairn, do. Hamburgh,	-	330	
J. Iznardy, do. Cadiz,	-	† 6,566	49
J. M. Iznardy, Agent at Havanna,		4,000	
J. Simpson, Consul,	-	581	13
			<hr/>
			38,638 18
			<hr/>
			Dolls. 40,729 17
Amount of expenditures by David Le- nox, Agent for the relief of seamen, residing in Great Britain to the 31st of Dec. 1799, £. 1004 13 sterling,		4,465	11
Do. of his salary, from 3d March 1797 to Dec. 31, 1799, at 3000 dollars per annum,	-	-	6,741 66
			<hr/>
			11,206 77
Amount of claims forwarded, remaining unpaid,		2,589	20
			<hr/>
			Dolls. 54,525 24

\* Mr. Fenwick having transmitted the specific expenditures for some of the items in his account (amounting to livres 14,080 15*s*. to Mr. Humpheys at Madrid, and F. Skipwith at Paris. This sum, therefore, is not set down as the actual proportion of his account for the relief of seamen; but it is presumed to be nearly accurate.

† Mr. Iznardy's expenditures exceed the payments made to him: this sum is put down as the proportion of his account (to the amount paid) for the relief of seamen.



No. 3.

*Committee Room, April 7th, 1800.*

I AM directed, Sir, by the Committee of Ways and Means, to request that you will be so good as to favour me, as soon as convenient, for their use, with

First, An account, as particular as can be rendered at present, of the expenditure in each year separately, of all monies heretofore granted by Congress, and for defraying the expenses of prosecuting claims, in prize causes, before the courts of admiralty and appeal in London, for reimbursing to Consuls of the United States, their expenses in making and supporting the claims of American citizens, for captured property, before foreign tribunals.

And for reimbursing the said Consuls, and others, for aid rendered to distressed American seamen in foreign countries.

And for defraying the expenses of bringing home the said seamen, and affording them assistance in the United States.

Secondly, Information of the manner in which the accounts of the said expenditures, and each of them, are checked, controuled and settled.

Thirdly, Information how far expenses of any of the aforesaid descriptions, may have already been incurred, beyond the former grants therefor.

And how far the faith of government may be considered as pledged, for further expenses under any of the said heads.

And fourthly, Your opinion how far it is expedient to continue the said expenses, or any of them, beyond the engagements which may have already been contracted.

With great respect, I have the honor to be,  
SIR,

Your most obedient humble servant.

The honorable

The SECRETARY of STATE.

## No. 4.

DEPARTMENT OF STATE,  
*April 14th, 1800.*

SIR,

**I**N compliance with the desire of the Committee of Ways and Means, expressed in your letter of the 7th instant, I have the honor to inclose two statements, one of expenditures for the relief of American seamen, the other for making and supporting the claims of American citizens, for captured property before foreign tribunals.

The inclosed printed copy of a circular letter to our Consuls, will show what directions have been given relative to the accounts and vouchers for their expenditures.

The expensive prosecution of claims before the High Court of Admiralty and Court of Appeals, in London, comprehends about two hundred and thirty-six cases, the costs of which, have been estimated to average £. 250 sterling each :

Amounting to,	-	-	-	£.	59,000
And 55 other cases to average £. 150					8,250
					<hr/> 67,250
Of which have been paid,	-	-	-		23,635
					<hr/> 23,635
Leaving to be paid,	,	-	-	£.	43,615
					<hr/> 43,615

But on the final settlement of these claims, and payment of decrees and awards in favour of the claimants, by the British government, those costs will be reimbursed. Where the claims are rejected, as the public will have nothing in its hands, the costs in many, perhaps in most cases, may be lost. Provision for paying the costs in the first instance, should doubtless be continued, for the same reason that it was at first made.

Although the appropriation for prosecuting claims before other foreign tribunals, in the act of April 18, 1798 (Laws. vol. 4. p. 93.) was expressed to be for expenditures which *had been* made, or which *during that year should be* made, by our Consuls, and my circular letter adopts the expression, yet I conceive they will look to the United States for reimbursing subsequent expenditures: for they cannot suppose, that when they had incurred expenses by instituting appeals, which remained undecided at the close of 1798, they should immediately relinquish them: on the contrary, they will naturally think that the motives which induced the first provision, will lead Congress to continue to provide for the same objects, while the same causes remain—that is while captures continue to be made, and seamen prisoners, or otherwise distressed, demand relief.

I have the honor to be,

With great respect,

S I R,

Your most obedient servant

TIMOTHY PICKERING.

Robert Goodloe Harper, Esq.

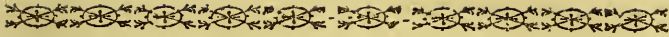
Chairman, &c.











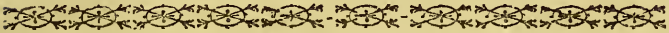
R E P O R T  
OF THE  
Committee of Ways and Means,  
On certain appropriations for the  
INDIAN DEPARTMENT.




5th May, 1800,

Committed to a committee of the whole House, to-morrow.

Published by order of the House of Representatives.







*The Committee of Ways and Means to whom were referred the estimates for the public service of the present year, having observed certain items in those estimates under the head of "The Indian Department," which seemed to demand particular examination, reserved them for the subject of a separate report; which they now beg leave to present for the consideration of the House.*

The items alluded to, occur in the following order.

1. "FOR defraying the cost of transportation, and other contingent charges, which may arise from the payment of the annuities to Indian tribes." For this object the sum of 10,000 dollars is estimated.

As the whole amount of the annuities themselves, as settled by treaty, is only 15,000 dollars, the Committee were at a loss to conceive, how the transportation and delivery of them could cost so great a sum as 10,000 dollars. They thought it proper, therefore, to make some enquiry on this head at the Department of War, which was done by a letter to the Secretary of the 7th ultimo, whereof a copy (No. I) is subjoined to this report.

The Secretary, in answer, enclosed to them a letter from the Accountant of that department to him, the following extract from which, contains all the information that has been received by the Committee.

"As relates to the expense of transporting goods to pay Indian annuities, no settlements have ever been made at this office under that head. The expense has been generally paid by the Quartermaster-General, or his agent; and, in some cases, by the agents of the War Department; and these accounts, previous to the 16th July 1798, (the date of the act making alterations in the Treasury and War Departments) have been settled at the Treasury; and since that period,

the Quartermaster's accounts are not in a situation to afford the necessary information."

It appearing from hence, that the expenses in question have been defrayed by the Quartermaster-General, and are included in his accounts, it is presumed that they have been paid out of the general appropriation for that department, which, probably, is sufficient for that purpose. The Committee are therefore of opinion, that no separate appropriation is necessary. If there should, hereafter, be found a deficiency arising from this cause, it will be easy to make it up, when a further enquiry shall have given the House more complete information on the subject than is at present attainable. In the mean time, as the appropriations for the Quartermaster's department have been liberal, there is, in the opinion of the Committee, no danger of injury to the public service, from withholding the supply at this time.

2. "For contingent expenses, for presents to Indians on their visits to the seat of government, expenses attending their journies, and during their stay at the seat of government." The estimated supply for this object is 13,000 dollars.

This item appearing to the Committee to be liable to some doubt, they included it in their above-mentioned letter to the Secretary at War, and requested a particular account of the former expenses under that head. They received in answer, a statement from the Accountant transmitted through the Secretary, which though not detailed as they had requested and did expect, is sufficient to prove that their doubts were well founded. Since it appears by that statement, that the expenses incurred for the purpose in question during two years, 1798 and 1799, amounted to no more than 15,178 dollars and eight cents. They perceive no reason for supposing, that greater expenses will be necessary in this year than in the two former, and are therefore of opinion, that an appropriation of 7,000 dollars will be sufficient.



3. "For rations to Indians at the different military posts, and within their respective nations." The sum of 22,500 dollars is estimated under this head.

The Committee observing that this item had increased very much within a few years, and might still further increase to a very inconvenient extent, included it also in their letter to the Secretary at War, whom they requested to furnish them with particular information respecting it.

The information wherewith they have thus been furnished, is contained in a letter from the Secretary at War, which, together with extracts of letters from him to sundry persons, on the subject is hereto annexed (No II.) This information, extending only to the necessity of issuing rations to Indians, and to the manner in which it is done, but not to the amount of expense thereby incurred, is less satisfactory than could have been wished. Perhaps, however, it could not be rendered more so, from the manner in which the business is conducted; for it appears that the rations to Indians are, and must be issued from the usual supply of army provisions which are furnished by contract at the different posts, and it does not appear that a separate account is kept of those rations. This the committee conceive might and ought to be done, since it will, otherwise, never be possible to know how much money is expended in this manner.

In the mean time, as the issues to Indians are made from the army provisions, which are included in the general estimate for the subsistence of the army; and as that estimate is generally formed upon a larger number of troops than are actually in service, so as to be more than sufficient for the usual supply of the troops, the Committee can see no good reason for making a separate appropriation for Indian rations, which, they suppose, may always be supplied out of the surplus of subsistence money, arising from the deficiencies which always exist, in a greater or less

degree, in the number of the troops in actual service.

But they are of opinion, that a direct authority ought to be given by law for issuing those rations; and that a separate account of them ought to be required.

4. "Two thousand dollars for presents to the Choctaw nation of Indians and their chiefs."

This expense is not authorized by law, nor stipulated by any treaty; but the Secretary at War thinks it necessary, for reasons which are touched on in the estimates themselves, and more fully detailed in some correspondences with the Indian agent in that quarter, which have been submitted to the Committee. They are of opinion that the measure ought to be adopted, and beg leave to recommend it to the House.

This provision, with such others on the foregoing subjects as they think it proper to adopt, are contained in the bill herewith presented to the House.

In recommending it to the House to limit or vary the appropriations in question, the Committee do not wish to be understood as implying an opinion, that more money has actually been expended under those heads than was necessary, or that any neglect or improper conduct has taken place in the management of the business, but merely that it will be better to accommodate the appropriations, both in manner and extent, to the actual expenditure.

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(No. I.)

Committee Room, April 7th, 1800.

I AM directed, Sir, by the Committee of Ways and Means, to request that you will be so good as to furnish me, as soon as convenient, for their use, with

First,—An account, as particular as can now be rendered, of the expenditure in each separate year, of monies heretofore granted by Congress, for the expense of transporting goods to pay Indian annuities :

And for contingent expenses for presents to Indians on their visits to the seat of government, and expenses attending their journies, during their stay, and on their return home :

And for rations to Indians at the different military posts within their respective nations :

And secondly, — Information of the manner in which those expenditures, and each of them, are made, regulated, and controuled :

And of the manner in which the accounts for the said expenditures, and each of them, are kept, rendered, checked, and settled.

With great respect,

I have the honor to be,

SIR,

Your most obedient

Very humble servant.

The Honorable  
the Secretary at War. }

(No. II.)

War Department, April 16, 1800.

SIR,

I HAVE the honor to inclose, in pursuance of the request contained in your letter dated the seventh instant, a letter from the Accountant of the War Department, of April 9th ; and another from the same, of April 14th, with his statement of monies expended in the Indian Department, for presents to Indians on their visits to the seat of government ; expenses attending their journies, and during their stay at the seat of government, during the years 1798 and 1799.

It may be proper to observe, generally, relative to expenditures in the Indian Department, that it has been an object with the Secretary, to render less frequent the visits of Indians to the seat of government, and to extend the influence of the United States within their nations by the instrumentality of resident

agents, and internal arrangements and measures calculated to produce these ends. This system which begins to operate sensibly and satisfactorily, while it aims at bettering their moral and physical condition, has a direct tendency to bring them into a narrower compass, and place them more perfectly under the management and controul of the United States.

The agents employed in this work (the governors of the north western and Mississippi territories excepted) are obliged to reside constantly within the Indian nations. They have fixed allowances, and receive their instructions from the Secretary of War.

The agents, annually, or oftner, return estimates of the articles wanted in their superintendance; which, if approved of, are either purchased at the seat of government or elsewhere, and transmitted for distribution.

When Indians arrive at the seat of government, a confidential person is appointed to procure lodgings for them; to superintend and inspect their conduct; to accompany them to public places of entertainment; to procure for them the presents in cloathing, &c. which may be ordered; and to pay all accounts arising under his superintendance. Money is advanced to him by warrant, for these purposes, and he settles his accounts in the usual way by producing vouchers and receipts for the expenditures. Indians also occasionally receive actual money. This is paid to them by a warrant drawn in their favour expressive of its object, except in cases and for particular services, which require a different course.

The inclosed extracts of letters to governor St. Clair, major general Hamilton, and Winthrop Sergeant, esquire, governor of the Mississippi territory, will shew the existing restrictions upon the issue of rations to Indians. The Secretary would presume that the issues for the present, ought not to be estimated higher than for the preceding year.

There is an item of two thousand dollars, for the



Choctaws, under the head "Indian Department" in the estimate of appropriations; to which I request your attention. The reasons inducing to this item are explained in the estimate. The inclosed original letters dated June 14th, August 10th, September 18th 1799, and January 16th 1800, from John M'Kee, will further elucidate the grounds of the requisition, as well as some other subjects, are slightly noticed relative to the Indians. They are submitted confidentially to the committee, and it is requested may be returned.

I have the honor to be,

With great respect,

Sir,

Your obedient servant,

JAMES M'HENRY.

Robert G. Harper, esquire, }  
 chairman of the Commit- }  
 tee of Ways and Means. }

*Extract of a letter from the Secretary of War to Governor St. Clair, dated*

*War Department, April 30, 1799.*

" Inclosed is copy of a letter to Major General Hamilton, directing him to cause you to be respected by the military, in character of Superintendent of Indian affairs; and to enable you to give orders upon the posts for provisions to such Indians, as you may think it adviseable they should be issued.

I leave open a letter to the Turtle, enclosing the invoices of the stipendiary goods, for the Miami, Shawanese, Putawatamies, Eel river, Weea, Piankashaw, Kickapoo and Kaskaskia Indians. You will have it forwarded to the Little Turtle, and fix with him, the time for the distribution of the goods, and I hope, will find it convenient to attend at their delivery.



The goods for the Wyandots, Chippewas, Ottawas and Delawares, will be forwarded to Detroit, to be distributed to the said Indians conformably to such directions as you may think proper to give.

It is to be understood that certificates of the delivery of the stipends, are to be transmitted to this office, signed by the person appointed to attend to the delivery, and by one or more officers of the Garrison at which the delivery is made, or by yourself whenever you shall be present.

Should it at any time be proper to give an order to any of the Indians, who may be on a visit to you, to draw provisions at any garrison upon their route home, it will be necessary to specify in the order the number of rations or kind and quantity of provisions required, and to observe the same rule in all other cases. I need not remark to you that the circumstances inducing to such requisitions ought always to be of a nature fully to justify such an application of the army provisions."

*Extract from the same to Major General Hamilton, dated  
War department, April 30, 1799.*

"The Governor of the North Western Territory Arthur St. Clair Esquire being *ex officio*, Superintendent of Indian affairs within the said Territory he is to be respected as such by all military officers within the sphere of his jurisdiction, you will be pleased therefore to direct the said military officers to respect him as such, and to cause to be issued at their respective posts such provisions to the Indians as he may think it adviseable should be issued to them from time to time, and to be executed his instructions relative to the safe-keeping and delivery of the annual stipends promised to the Indians by the treaty of Greenville."

*Extract from the same to the same, dated  
War Department, May 21, 1799.*

"It has been too much a practice, with the com-

mandants of garrisons on the frontiers, to hold talks with Indian tribes and play parts which belong exclusively to the civil officers employed to superintend the Indian affairs. This has consequently attracted to the garrisons numbers of Indians, and occasioned great and unnecessary expenditures of the public provisions. You will be pleased to issue such instructions on the subject, as will prevent as much as possible the continuance of such practices, and oblige the military officers, to refer the Indians in all matters, relating to their national affairs, or grievances, to the Governor of the North Western Territory, and Governor of the Mississippi Territory, or the temporary Indian agent, nearest to their post, as the case may require. It will also be proper, that you instruct the commandants of posts in the Mississippi Territory, to furnish on the order of Governor Sargeant, when the same can be spared, such rations for the Indians who may visit the said posts, as he may from time to time direct."


*Extract from the same to Winthrop Sargeant Esq. Governor of the Mississippi Territory, dated*

*War Department, 20th May, 1799.*

"As it will happen, however, that the Indians, especially those nearest the settlement will from time to time visit you to require advice relative to their affairs and grievances, it is proper that the expence you may incur by furnishing them with provisions, and the pay of an interpreter, *during such visits* should be re-imbursed, and should it be indispensable to make some trifling presents to any of them on particular and urgent occasions, that the amount of such presents be also re-imbursed: You will therefore keep a regular account of all such expenditures and transmit annually to the accountant of the department of war, all bills, receipts and vouchers necessary to substantiate the same.

Should it at any time be proper to give an order to any of the Indians who may be on a visit to you, to draw a few days provisions at any garrison upon the route home, it will be necessary to specify in the order the number of rations, or kind and quantity of provisions required.

I need not remark that the circumstances inducing to such requisitions, ought always to be of a nature fully to justify, such an application of army provisions, and that the order should always express, provided the commandant can spare them without risque to his garrison. I shall write to Major General Hamilton to instruct the commandants on the Mississippi accordingly."



Mr. ABIEL FOSTER's  
M O T I O N  
FOR AN  
A M E N D M E N T  
TO THE  
C O N S T I T U T I O N  
OF THE  
UNITED STATES.

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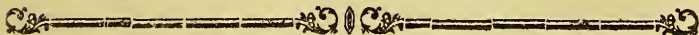
4th February, 1800.

Committed to a Committee of the whole House on the  
State of the Union.

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*[Published by order of the House of Representatives.]*

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Mr. *ABIEL FOSTER'S* MOTION.

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**R**ESOLVED, That the first section of the second article of the Constitution of the United States, ought to be amended in such manner, that the Electors of President and Vice-President of the United States, in giving their votes, shall designate and distinguish the person voted for as President, and the person voted for as Vice-President—and the person having the greatest number of votes for Vice-President, if such number be a majority of the whole number of Electors, shall be Vice-President; and if there be no choice, and two or more persons shall have the highest number of votes, and those equal, the Senate shall immediately choose, by ballot, one of them for Vice-President; and if no person shall have a majority, then the Senate shall, in like manner, choose a Vice-President from the five highest on the list—But in choosing the Vice-President, the votes shall be taken by states—the Senators from each state having one vote—a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice.

*Resolved,* That the foregoing amendment be proposed to the legislatures of the several states, to be ratified as a part of the Constitution of the United States.






*Mr. LIVINGSTON'S*

M O T I O N.

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13th February, 1800.  
Ordered to lie on the table.


*[Published by order of the House of Representatives]*







Mr. *LIVINGSTON*'s MOTION.



**R**ESOLVED, *by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the following article be proposed to the Legislatures of the several states, as an amendment to the Constitution of the United States, which when ratified by three-fourths of said legislatures shall be valid as a part of the said Constitution, viz.—

No Judge of any Court of the United States shall, during his continuance in office, or within six months after he may have resigned the same, be appointed to any other than a judiciary office under the United States.







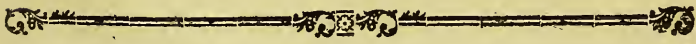
MR. BAYARD'S  
M O T I O N.



17th February, 1800.

Committed to the Committee of the whole House, to  
whom is committed the Message of the President,  
transmitting the papers, relative to the requi-  
sition for, and delivery of  
Jonathan Robbins.

[*Published by order of the House of Representatives*]







Mr. *BAYARD'S* MOTION.

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**R**ESOLVED, That the conduct of the executive government of the United States, in relation to the requisition made by his Britannic Majesty's Minister, of the delivery up to justice of Thomas Nash, otherwise called Jonathan Robbins, upon the charge of murder committed on board of the *Hermione* British Frigate, which said Nash had sought an asylum within the United States, was conformable to the duty of the government, and to the obligations of good faith stipulated in the 27th Article of the Treaty of Amity Commerce and Navigation, made with Great-Britain.





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MR. LIVINGSTON'S

M O T I O N.

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20th February, 1800.

Committed to the Committee of the whole House, to whom was committed on the 7th instant, the Message of the President, transmitting the papers, relative to the requisition for, and delivery of Jonathan Robbins.

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*[Published by order of the House of Representatives.]*

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## Mr. *LIVINGSTON'S* MOTION.

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**R**ESOLVED, That it appears to this House, that a person calling himself Jonathan Robbins, and claiming to be a citizen of the United States, impressed on board a British ship of War, was committed for trial in one of the courts of the United States, for the alledged crime of piracy and murder committed on the high seas on board the British Frigate, *Hermione*. That a requisition being subsequent to such commitment made by the British Minister, to the executive of the United States, for the delivery of the said person (under the name of Thomas Nash) as a fugitive under the twenty-seventh article of the treaty with Great-Britain, the President of the United States, did by a letter written from the Department of State, to the judge who committed the said person for trial officially declare his opinion to the said judge that he “considered an offence committed on board a public ship of war on the high seas to have been committed within the jurisdiction of the nation to whom the ship belongs” and in consequence of such opinion, and construction, did advise and request the said judge to deliver up the person so claimed, to the agent of Great Britain, who should appear to receive him, *Provided only*, That the stipulated evidence of his criminality should be produced. That in compliance with such advice, and request of the President of the United States, the said person so committed for trial was by the judge of the district court of South-Carolina,

without any presentment or trial by jury, or any investigation of his claim to be a citizen of the United States, delivered up to an officer of his Britannic Majesty, and afterwards tried by a court martial and executed, on a charge of mutiny and murder :

*Resolved*, That inasmuch as the constitution of the United States, declares that the judiciary power, shall extend to all questions arising under the constitution, laws, and treaties of the United States, and to all cases of admiralty and maritime jurisdiction, and also that the trial of all crimes except in cases of impeachment, shall be by jury, and such trial shall be held, in the state where such crime shall have been committed, but when not committed within any state, then at such place, or places as Congress may by law have directed. And inasmuch as it is directed by law, that the offence of murder committed on the high seas shall be deemed to be piracy and murder, and that "the trial of all crimes committed on the high seas or in any place out of the jurisdiction of any particular state shall be in the district where the offender is apprehended or into which he may be first brought" Therefore the several questions whether the alleged crime of piracy, and murder, was committed within the exclusive jurisdiction of Great Britain, whether it comes within the purview of the said twenty seventh article—and whether a person stating that he was an American citizen, and had committed the act of which he was accused, in attempting to regain his liberty from illegal imprisonment ought to be delivered up, without any investigation of his claim to citizenship, or enquiry into the facts alleged in his defence, are all matters exclusively of judicial enquiry, as arising from treaties, laws, constitutional provisions, and cases of admiralty, and maritime jurisdiction.

That, the decision of those questions by the President of the United States, against the jurisdiction of the courts of the United States, in a case where those courts had already assumed, and exercised jurisdiction; and his advice and request, to the Judge of the district court, that the person thus charged, should be delivered up.

*Provided only*, such evidence of his criminality should be produced as would justify his apprehension and commitment for trial, are a dangerous interference of the executive with judicial decisions and that the compliance with such advice, and request on the part of the judge of the district court of South-Carolina, is a sacrifice of the constitutional independence of the judicial power, and exposes the administration thereof to suspicion and reproach.




MR. HENRY LEE'S  
MOTION.



10th March, 1800.  
Ordered to lie on the table.

*Published by order of the House of Representatives.]*





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# THE HISTORY OF THE

REIGN OF CHARLES THE FIRST  
BY JOHN BURNET  
IN TWO VOLUMES  
THE SECOND VOLUME  
LONDON, Printed by J. Sturges, at the Black-Swan in St. Dunstons Church-yard, 1680.

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MR. *HENRY LEE'S* MOTION.

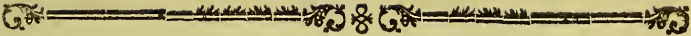
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**R**ESOLVED, That a Committee be appointed to enquire and report by bill or otherwise, the expediency of making further provision, by law, to facilitate the communication between different parts of the United States by means of post-roads.

ВЪ ПЕРВОМЪ

ТОМѢ

Содержаніе




MR. HARPER'S  
MOTION.

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10th March, 1800.  
Ordered to lie on the table.

*[Published by order of the House of Representatives.]*



MR. HARPER'S MOTION

RESOLVED, That in the case aforesaid, the  
said motion be granted, and the said  
order be made accordingly, and that the  
said motion be referred to the said  
committee, and that they do report thereon  
to the next meeting of the said court,  
and that the said committee do have power  
to do all such things as may be necessary  
and proper to carry into effect the  
intent and meaning of the said motion,  
and that the said committee do report  
thereon to the next meeting of the said  
court, and that the said court do give  
credit to the said motion, and do make  
such order thereon as may be just and  
equitable.

And whereas the said committee do  
report that the said motion is well  
founded in law and equity, and that  
the same should be granted, and that  
the said order be made accordingly,  
and that the said motion be referred  
to the said committee, and that they  
do report thereon to the next meeting  
of the said court, and that the said  
committee do have power to do all  
such things as may be necessary and  
proper to carry into effect the intent  
and meaning of the said motion, and  
that the said committee do report  
thereon to the next meeting of the  
said court, and that the said court  
do give credit to the said motion,  
and do make such order thereon as  
may be just and equitable, and that  
the said committee do have power  
to do all such things as may be  
necessary and proper to carry into  
effect the intent and meaning of the  
said motion, and that the said  
committee do report thereon to the  
next meeting of the said court, and  
that the said court do give credit to  
the said motion, and do make such  
order thereon as may be just and  
equitable.





MR. HARPER'S MOTION.

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**R**ESOLVED, That for the more convenient, certain, and expeditious conveyance of the mails of the United States, on the main post-road, leading from Portland in Maine, to Augusta in Georgia, it is expedient to make provision for promoting and aiding the establishment of turnpikes on the said road, and for rendering the course thereof more direct, between the different places through which it is, or shall be, directed by law to pass; and that the surplus revenues of the post-office ought to be set apart as a fund for those purposes.

*Resolved,* That the said fund ought to be vested in a board, under the direction of the President of the United States, and to be composed of the Secretaries of the Executive Departments of the United States and the Attorney General, and that when any company shall undertake to make a good turnpike road on any part of the said post-road, and shall apply to the said board, stating their object, plan and means, and shall offer good and sufficient security for the accomplishment of the undertaking, within a reasonable time to be fixed by the said board, and for refunding any money to be advanced to them by the said board in case the said undertaking should not be so accomplished, the said board ought to be authorized and empowered, with the approbation of the President of the United States, to grant an act of incorporation to the said company for the purposes aforesaid, and under certain conditions, terms and restrictions to be established by law, and to subscribe from the said fund, and on behalf of the United States, for any number of the shares of the said

company not exceeding one third of the whole number; *Provided*, that the payments to be made on account of the said subscription, shall be made in such portions and at such times as the said board shall stipulate, and may be withheld by the said board at its discretion, whenever the said company shall fail to make its stipulated payments.

*Resolved*, That whenever two or more companies shall apply as aforesaid, the preference ought to be given to that which shall apply for the part of the said post-road nearest to the city of Washington, in either direction: *Provided*, the plan of such company shall appear to the President of the United States, to be in other respects, equally worthy of adoption with those of its competitors.

*Resolved*, That if there should not be, in any one year, sufficient applications as aforesaid to employ the whole of the said fund, the surplus thereof ought to be applied, in manner aforesaid, to any other post-road of the United States, respecting which applications in manner aforesaid shall be made, or at the discretion of the President of the United States, to be carried to the fund for the next year.

*Resolved*, That the tolls and dividends to be derived from the shares which shall be subscribed for as aforesaid, ought to be received at the Treasury of the United States and there accounted for, and added annually to the aforesaid fund, to be applied, in manner aforesaid, to the purposes thereof.

*Resolved*, That when the said main post-road shall be completed, the fund aforesaid ought to be applied in manner aforesaid, to the construction of turnpike roads on any other post-roads of the United States, and of toll bridges on such main or other post-road.



MR. NICHOLAS'S

MOTION.



13th March, 1800.  
Ordered to lie on the table.

*[Published by order of the House of Representatives.]*







MR. *NICHOLAS'S* MOTION.

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**R**ESOLVED by the Senate and House of Representatives of the United States, two-thirds of both Houses concurring, that the following articles be proposed to the legislatures of the several States, as amendments to the Constitution of the United States :

That after the third day of March, in the year one thousand eight hundred and one, the choice of Electors of President and Vice President, shall be made by dividing each state into a number of districts equal to the number of Electors to be chosen in such state, and by the persons in each of those districts who shall have the qualifications requisite for electors of the most numerous branch of the legislature of such state choosing one Elector in the manner which the legislature thereof shall prescribe.

That the election of Representatives to Congress, who are to serve after the third day of March, in the year one thousand eight hundred and three, shall be by dividing each state into a number of districts equal to the number of Representatives to which such state shall be entitled, and by the people within each of those districts who shall have the qualifications requisite for electors of the most numerous branch of the legislature of such state choosing one representative in the manner which the legislature thereof shall prescribe.





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THE

To provide for the...  
of the...  
Committee and...  
Chairman

The...





MR. NICHOLAS'S  
M O T I O N,  
FOR AMENDING

**The Bill**

To provide for the execution of the  
27th article of the Treaty of Amity,  
Commerce and Navigation with  
Great-Britain.

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*[Published by order of the House of Representatives.]*

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MR. NICHOLAS' MOTION.

PROVIDED ALWAYS, That the foregoing provisions shall not be construed to authorize the commander or delivery of any person, where the offence with which he is charged is cognizable in any court of the United States: And provided further, That where any person is charged, before a judge or justice, with having committed murder, within the meaning of the article of the Treaty, and it shall appear, upon examination, that the act whereof he is charged, was committed on board some ship or vessel or was belonging to his Britannic Majesty's Navy, or in relation to the authority claimed over him, as being belonging to such ship or vessel; and the person charged shall allege in his defence, that he is a citizen of the United States, and that he was imported on board the ship or vessel to which he is said to have belonged, it shall be the duty of the judge or justice to examine the evidence on his behalf, during such time as in the opinion of the said judge or justice, shall be necessary, and to take the evidence of his being a citizen as stated, and to call to the duty of the judge or justice, to examine the witnesses, by whose evidence he shall be sustained by the person charged, his citizenship can be made to appear, and to take their evidence in writing, in such written records within the district where application is made; but if they reside elsewhere, within the United States, it shall be the duty of the said judge or justice to report the case to the President of the United States, together with the names and places of residence of the witnesses, on whose evidence the person charged shall rely, and the President of the United States hereby authorized and empowered, to cause the same



## MR. NICHOLAS'S MOTION.

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**P**ROVIDED ALWAYS, That the foregoing provisions shall not be construed to authorize the commitment or delivery of any person, where the offence with which he is charged is cognizable in any court of the United States: *And provided further*, That where any person is charged, before a judge or justice, with having committed murder, within the meaning of the aforesaid twenty seventh article of the Treaty, and it shall appear, upon examination, that the act wherewith he is charged, was committed on board some ship or vessel of war belonging to his Britannic Majesty's Navy, or in resisting the authority claimed over him, as belonging to such ship or vessel; and the person so charged shall alledge in his defence, that he is a citizen of the United States, and that he was impressed on board the ship or vessel to which he is said to have belonged; it shall be the duty of the judge or justice to commit him only for safe keeping, during such time as, in the opinion of the said judge or justice, shall be necessary to procure the evidence of his being a citizen as aforesaid; and it shall be the duty of the judge or justice, to summon before him the witnesses, by whose evidence he shall be informed by the person charged his citizenship can be made to appear, and to take their evidence in writing, if such witnesses reside within the district where application is made; but if they reside elsewhere, within the United States, it shall be the duty of the said judge or justice to report the case to the President of the United States, together with the names and places of residence of the witnesses, on whose evidence the person charged shall rely: and the President of the United States is hereby authorized and empowered, to cause the exa-

mination of such witnesses to be taken in writing before some person authorized to administer oaths, and the examination so to be taken, to be transmitted to the said judge or justice, who shall, if the evidence of citizenship be satisfactory, proceed to discharge the person charged, unless full and complete evidence be produced on the part of his Britannic Majesty, that the person charged as aforesaid, entered voluntarily on board such ship or vessel.



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Mr. N I C H O L A S's

M O T I O N,

FOR AMENDING

T H E B I L L

TO PROVIDE FOR THE EXECUTION OF THE TWEN-  
TY SEVENTH ARTICLE OF THE TREATY OF  
AMITY, COMMERCE AND NAVIGATION  
WITH GREAT BRITAIN.

*[With the Amendments of Mr. Marshall thereto.]*

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*[Published by order of the House of Representatives.]*

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WILLIAM H. WALKER

1850

1850

THE UNIVERSITY OF CHICAGO  
I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. It is my duty to inform you that the same has not yet been decided upon and that I am unable to give you any definite answer at this time. I am, however, sure that the same will be given due consideration and that you will be kept advised of the result as soon as it is known. I am, Sir, very respectfully,  
Your obedient servant,  
W. H. Walker

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## Mr. NICHOLAS's MOTION.

[A M E N D E D.]

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PROVIDED, That where any person is charged, before a judge or justice, with having committed murder, within the meaning of the aforesaid twenty seventh article of the Treaty, and it shall appear, upon examination, that the act wherewith he is charged, was committed on board some ship or vessel of war belonging to his Britannic Majesty's navy, or in resisting the authority claimed over him, as belonging to such ship or vessel; and the person so charged shall, *on oath*, alledge in his defence, that he is a citizen of the United States, and that he was impressed on board the ship or vessel to which he is said to have belonged; it shall be the duty of the judge or justice to commit him only for safe keeping, during such time as, in the opinion of the said judge or justice, shall be necessary to *examine into such allegation*: and it shall be the duty of the judge or justice, to summon *such* witnesses, *not exceeding five in number, as shall be named by the prisoner; and also to summon such other witnesses as the prisoner shall satisfy him are material to prove him to be a citizen of the United States, to appear before him on a day and at a place to be named by himself, of which the person making the requisition shall have reasonable notice, and to take their evidence, as well as such counter testimony as may be adduced, in writing, if such witnesses reside within the district where application is made, and report the same with his opinion thereon to the President of the United States; but if they reside elsewhere, within the United States, it shall be the duty of the said judge or justice to report the case*

to the President of the United States, together with the names and places of residence of the witnesses, on whose evidence the person charged shall rely: and the President of the United States is hereby authorized and empowered, to cause the examination of such witnesses to be taken in writing before some person authorized to administer oaths, and the examination so to be taken, to be transmitted to the said judge or justice, who shall *cause notice thereof to be given to the person making the requisition under the treaty as aforesaid, and shall allow a reasonable time for the production of any counter testimony, after which the whole of the testimony, with the opinion of the judge or justice thereon, shall be transmitted to the President of the United States; and if such opinion shall be that the person charged is a citizen of the United States, then he shall be considered as having been impressed, unless satisfactory evidence be produced on the part of his Britannic Majesty, that the person charged as aforesaid, entered voluntarily on board such ship or vessel.*













